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PREFACE

LIKE its predecessor the present volume contains materials which, it is hoped, may throw some light on Highland History. They have been drawn from different sources and relate to different parts of the country and to different periods of time. An attempt has been made to increase the usefulness of these materials by the addition of notes and by the occasional discussion of questions which they raise. And when on any point the Editor has ventured an expression of his own opinion, the authorities on which it is based are usually given for the consideration of the judicious reader.

Throughout the volume the Editor has endeavoured to acknowledge the generous aid which he has received with regard to particular matters. But this general preface seems the proper place in which to tender to Dr. Maitland Thomson and Mr. R. K. Hannay his thanks for the continuous help which they have so kindly given with regard not to one matter but to many.

For their courtesy in permitting the publication of the documents contained in the volume, the thanks of the Society are due to His Grace the Duke of Argyll, the Earl of Moray, the Earl of Lauderdale, the Faculty of Advocates, and the Society of Antiquaries.

The Society is also greatly indebted to Mr. Mill for the excellent index.

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THE GENEALOGIE OF THE SURNAME OF
M·KENZIE SINCE THER COMING
INTO SCOTLAND

INTRODUCTORY NOTE

THERE are in existence various manuscript histories of the Mackenzies. Two of these, attributed to the first Earl of Cromartie, have been printed. The longer is to be found in vol. ii. of *The Earls of Cromartie*, by Sir William Fraser, K.C.B. The shorter has been printed more than once. It was copied for Walter Macfarlane, and is printed in vol. xxxiii. of the first series of the Society's publications, pp. 54 *et seq.*, where the author is said to be 'a Person of Quality.' The same volume, pp. 69 *et seq.*, contains also *The Genealogies of the most considerable families descended by Males of the House of Mackenzie preceding the year 1667*, collected by John Mackenzie of Applecross.¹

In writing the history of *The Western Highlands and Isles of Scotland*, Mr. Gregory seems to have had before him several other MS. histories of the Mackenzies, to which he refers in the footnotes. Portions of two of these are to be found among the papers belonging to the Society of Antiquaries, but neither is in a state for publication. Fortunately, however, there is in the Advocates' Library a small quarto MS. volume (34.6.27), which seems to be a copy of what Mr. Gregory terms *The Applecross MS.*, and which vouches for itself in the following way. The first twenty-eight folios contain *The genealogie of the Surname of M'Kenzie since ther coming into Scotland, collected by John Mackenzie of Aplecross*. The next

x /¹ This John Mackenzie, known in Gaelic as 'Ian Mollach' or Hairy John, was the son of Roderick Mackenzie of Applecross, whom he succeeded in that estate in 1646.

fifteen folios contain the genealogies of the various cadet families already mentioned. At the end is a note in these words: 'The before written genealogie was collected be John M'Kenzie of Aplecross in *anno* 1667, and coppied verbatim of his papers in June 1670 be Lauchlan M'Kintoshe of Kinrara and of his papers again copied be the wryter hereof in Septr 1684.' Sundry additions are made on the next three folios and are followed by the note: '*Vide* bundles of Genealogies among other papers at Ardross (1701) and Kinraras manuscript there.' While sideways is written 'Murdoch Mackenzie of Ardross, wryter and owner of this book.'

It is of course unnecessary to reprint the genealogies of the various cadet families which have already appeared in vol. xxxiii., but the first part of the MS.—which is also much more than a mere genealogy—seems well worth publication. In his longer history Lord Cromartie, it is true, professes to refer to and even to quote from charters and other writs, which no other person is known to have seen—and which many people believe to have been deliberately invented by the noble author for the glorification of his race.¹ But apart from these instances of misplaced ingenuity—if such they be—the bulk of his narrative is plainly based on tradition. And, in parts, it tallies so closely with the Applecross MS. as to suggest that they are both derived from a common source. Even, however, if this be so it does not follow that they are historically accurate in detail, for the Highland sean-nachie had the art of exalting his own tribe and of calumniating its neighbours that in a humble way foreshadowed and explains the ampler achievements of Lord Macaulay.²

¹ He has also been accused of 'repeatedly falsifying the Minutes of Parliament' (*Senators of the College of Justice*, p. 358).

² For his ancestry, *vide post*, p. 8, note 1.

In particular it may be pointed out that there is nothing to justify the alleged Geraldine origin of the Mackenzies,¹ and also that there is no record evidence² for the existence of any of their alleged chiefs prior to Kenneth-a-bhlair, who rose to a position of some importance towards the end of the fifteenth century, on the fall of John, Lord of the Isles and Earl of Ross. But tradition, even where it cannot be regarded as representing the actual facts, is still of value as showing what the past was believed to have been, and the picture given of the state of things in Ross may be accepted as reasonably accurate even if particular incidents should be open to doubt. It has therefore been thought desirable to include the Applecross MS. in this volume, and the Faculty of Advocates has kindly allowed this to be done.

In various places it is interesting to compare the history with what is contained in the Wardlaw MS., edited for the Society by Dr. William Mackay, and these are generally pointed out in the notes. The story of the acquisition of the Lewis is given at some length, of course from the Mackenzie point of view. But a somewhat different complexion is put on the matter by a seannachie with Macleod sympathies, whose narrative is also printed in this volume.

¹ For a detailed criticism of this and other 'spurious origins' of Highland families, vide *Celtic Scotland*, vol. iii. pp. 351 *et seq.*

² There is said to be charter evidence for his father, but *vide post*, p. 13, note 2.

THE GENEALOGIE OF THE SURNAME OF M'KENZIE SINCE THER COMING INTO SCOTLAND

(Collected by JOHN M'KENZIE of Aplecross.)

COLLIN GERALD¹ w his brother Gillean Gerald came to Scotland in the raigne of King Alex^r the 3d when as King Alex^r was vanquishing y^e danes and norvegians from the possession of the Isles of Scotland. This Collin was one of the five sones of Morice fitz Gerald Lord Justice of Irland and Earl of Desmund q^o was made Lord Justice of Irland in the year of our Saviour 1228 and continowed so w^t great praise of his valour and witt in managing the trowblesome affaires of Irland till the year 1249 qn King Henrie the 3d removed him upon misinforma^one of those that envyed his place.

This noble familie of ye Geraldines was of the nobilitie of Florence, came from thence to Normandie and came from Normandie w^t W^m the Conquerour to England, q^r Geraldus Stewart of Pembrock married Nesta, daughter to Rees of Tweid a prince of South Wales. He had Issue by her Morice fits Gerald, W^m fits Gerald and David Bishop of Menevia now called St David's. This Morice fits Gerald w^t his nephew Remond the gross alias Gerald the son of W^m fits Gerald came to Irland in the year 1167 to Assist Dermoit M'Murchie king of Lenster agt. Rodorick Oconor king of Connoght, at that time Monarch of Irland, who

¹ This Geraldine descent is no longer maintained by writers on the Mackenzies, *vide* Alex. Mackenzie's *History and Genealogies of the Mackenzies* (Inverness, 1894), pp. 1 *et seq.* Its last champion seems to have been Sir William Fraser (*The Earls of Cromartie*, vol. i., introduction, pp. x. *et seq.*).

assisted Oroick king of Meth agt. Dermoit Because Dermoit had taken away Oroick's wife. Dermoit not finding himself able to [with]stand these two kings fled to England q^r King Henrie was, to desire his assistance upon cond^one that he would hold his whole estate yreafter of King Henrie and his successors. King Henrie having warres in France and not being in Capacitie then to send ane armie into Irland, did give him but a Comission to all his frie subjects that pleased upon y^r own adventur to goe w^t him that they should have his leave. Upon this cond^one Earl Strongbow did goe w^t him; and Morice fits Gerald, Remond le gross and manie more knights out of England and Wales; to Earl Strongbow he promised his daughter and whole estate (excepting the Toun of Weaxford and two Countreyis q^lk he gave Morice fits Gerald and to Ro^t fits Stephens brethren of the moy^r's side the first two knights y^t [came to] Irland w^t him. These champions were the first conqwirours of Irland to the crown of England.

Of Morice fits Gerald and of Remond le gross alias Gerald q^o married Earl Strongbowes sister called Issabel came all the Geraldines in Irland. Ther valour worth and loyaltie to ther prince and countrey since that time, I refer to the Chronicles of England and Irland.

Now I am to speak of Collin Gerald and his successors in Scotland since ther coming to Scotland to Alex^r 3d in ye year 1260 q^m he and his brother Gillean¹ did serve. They were w^t him at the battle of Lairs in Cunningham and followed him in all the warres w^t ye Danes and Norwegians till King Alex^r came to putt the Danes from ther po^one² in the Isles in qeh voyage he builded the Danton Iland now called Iland Dounnan. This house he did build to be ane overband over ye Ilanders, q^lk he gave to be commanded to Collin Gerald honowring him w^t the

¹ Through this imaginary Gillean a Geraldine descent was provided also for the Macleans. Another descent for both Mackenzies and Macleans is from a certain Gilleoin of the Aird! Sir William Fraser apparently regarded Gilleoin merely as a way of spelling Colin (*The Earls of Cromartie*, vol. i. p. xv.)!

² Possession.

honour of knighthood calling him Sir Collin. He also gave him the lands of Laggan achindrom as a testimonie of his good service.

Collin Gerald being left governour of y^e Danton Iland and Kenneth Matthewson being at ye time heritour of Kintail¹ and Lochailsh did take such a liking of the Governour that he coneluded to give him his daughter and whole estate having no child but one daughter whom the governour did marie. But Kenneth Matthewson took promise of him that his eldest son should be called Kenneth aft him. Imediatlíe aft his mariage he gott po^one of Kintail and his Fay^r in law keeped him be Lochailsh. After the death of his Fay^r in law he was seiking for the po^one of Lochailsh. Having come to take ye rents the nearest of kin to Kenneth Matthewson came on him unawars and killed him beside the Loch of Anahannich at a place called yet Glaick. Sir Collen His bodie was taken and buried in Icolmkill. His son took po^one of Kintail but the Matthewsones kept Lochailsh till they were forced to quite it to the Clandonald but God's providence wes not to let it rest w^t y^e Clandonald but to come to the righteous owners the successors of S^r Collin Gerald qlk they wan legallie and honourablíe from those that held it by usurping.

Collin Gerald his son was called Kenneth aft^r his grandfay^r Kenneth Mathewson. He was the 2d of that familie Laird of Kintail and aft^r him his whole successors are called M'Kenzies. He was married w^t M'Ivers daughter, Her mother was a daughter of the Cheife of the Matthewsones in Lochalsh that occasioned Collin his death.

The 3d Laird of this familie was called Murdoch

¹ At this time, and for long afterwards, Kintail belonged to the earls of Ross. *Vide, e.g. Origines Parochiales Scotiae*, II. ii. p. 391. There is no evidence that a family or tribe known as Mackenzie was in existence, or had anything to do with Kintail until the end of the fifteenth century. Lord Cromartie actually gives at length a charter which he says Colin got from Alexander III. for his help in the battle of Largs, and also tells how he rescued the king from an infuriated stag. Hence the armorial bearings of the Mackenzies—the *Caber-Feidh* and the motto *Cuidich-an-Righ!*

x Mac Choinin

Mackenzie of Kintail. He married a daughter of M'Auley a cheife at that time of a great familie. Of this M'Auley hath descended M'Auley of Airdnacapil.¹

The 4th Laird of this familie was called Kenneth M'Kenzie of Kintail nicknamed Kynnoch nastroin.² He was married w^t M'Cou[ll] of Lornes daughter qa being hard favoured and they being a long time together w^tout children all men having at that time greater respect to ther manhood then to ther faith, he caused her to be throwen over the bridge of Scattwall. But the providence of God almighty having made her escape the rage of the water she came back to him to his house of Killin and he repenting himself of q^t he had done he kepted her all his liftime.

The 5th Laird of Kintail was called Murdoch Mackenzie of Kintail. He was agnamed Murchnidroit³ because he was in his moy^r's womb qⁿ she was cast over the bridge of Scattwall. He was married on M'Leod of the Lewes daughter.

At that time all thir north parts were wtout order of Law so as the strongest usurped agt. y^e weakest. David Bruce King of Scotland being prissoner in England the Earl of Ross did take this Murdo and did execut him at

¹ There seems no connection between the Dumbartonshire Macaulays and those of the north. The former were Celts apparently of the stock of the old Earls of Lennox, the latter seem to have been of Norse origin. For their traditions see an interesting article by Captain Thomas in the *Proceedings of the Society of Antiquaries of Scotland*, June 14, 1880, vol. xiv. pp. 363 *et seq.* From this tribe was descended Lord Macaulay, being grandson of the Rev. John Macaulay, 'Presbyterian preacher in North Uist,' afterwards minister of Cardross, and great-grandson of the Rev. Aulay Macaulay, minister of Harris, notorious for their attempt to betray the Prince during his wanderings after Culloden (*The Lyon in Mourning*, vol. i. pp. 168, 192; Mr. Blaikie's *Itinerary*, p. 48, note 3). An instructive story of how the Rev. Aulay was reported to the Presbytery of Mull for misappropriating books which had been given to the Island of Coll by the S.P.C.K. is told in 'Education in the Highlands in the Olden Times,' by William Mackay, LL.D. (*Transactions of the Gaelic Society of Inverness*, 21st April 1910). To Dr. Mackay, who has already done so much for the Society, the Editor is greatly indebted for kind help with regard to the Gaelic names in the notes to this history.

² *I.e.* of the nose.

³ Murcha na drochaid, *i.e.* Murdoch of the Bridge.

Invernes and gave his estate to Leod M'Gilleandris¹ being the predecessor of Belnagawn till God gave opportunitie to this Murdo's son to kill Leod M'Gilleandris and possess himself w^t his just heritage.

The 6th Laird of Kintail was called Murdoch M'Kenzie of Kintail, agnamed Murdo du ni nuack² he was but a child qn his fay^r was executed at Invernes and to eshew his enemies he was forced to hide himself in Coaves and woods having no body w^t him but on boy that brought him provision to ye solitarie coaves. He exercised himself with his bow. This boy did follow him from Moy so that . . . called Gillivry. This boy did bring him from y^e inn cuntry a black dog q^lk was verie good and swift, q^lk w^t the help of his bow kepted him provision. Leod M'Gilleandris being informed that he haunted coaves in Kenlochu and that the natives were sending him provision secretlie he did all he could to apprehend him but he being advertised he did quite Kenlochu and came w^t his boy and dog to the Laich of Loch broom q^r he and his boy took courage and ventured to the Lewes in a fisher boat q^r he landed in his uncle's house at Starnoway upon Pasch day. The forme of M'Leod's house at that time was so princly that all men that came to it would gett mantainance for year and day befor he would be asked from qⁿ^{ce} he came. The same verie day that he came to the toun ther came also one, Gildereoch w^t twelv men w^t him so that they lived both in the toun unasked q^t they were to ye nixt pasch day. Befor the nixt pasch day M'Leod went to ye hunts q^r Murdo du his black dogg did kill all ye dogges in M'Leod's companie q^lk made M'Leod and all his companie be far more attentive to the Gentleman w^t ye black dog he having no oy^r name at yt time but fer choinn duie.³ The nixt pasch day being come M'Leod's M^r hushold⁴ did desire him to give him the black dog and

¹ Gilleanrias—Gillanders, the servant of St Andrew—is, as a surname, often equivalent to Ross. The Rosses, in Gaelic, are Clann Anrias.

² Murcha dubh nan uamhag, *i.e.* Black Murdoch of the cave.

³ Fear a'choinn duibh, *i.e.* the man of the black dog.

⁴ Master of the Household.

that he would be his freind qlk he did refuse ; then the M^r hushold sd that he would arch ¹ a pype of wine agt the black dog qlk Murdo du did not refuse altho' he was abused be his man for venturing ye dog but at last he wan the wine and the M^r hushold said he would play any^r agt his dog but he ansred he would lose qt wine he wan first so that he wan that wine also. The M^r hushold told him that he was fortunat that he had a good opportunitie to make money of the wine, M^rleod's countreyemen being all gathered to the toun that day. He ansred that it was in his will to doe w^t it qt he liked. He called for his companion Gillereoch. They both taking a drink of the wine they called for all the rangall and poor ones that were in the toun and distributed the wine amongst them, He and his comerad sitting on ane hill forgt ² them evening ther arrowes when M^rleod satt to dinner he asked qr the Gentleman w^t the black dog wes. The M^r hushold ansred that qtever he was he had the pairs of a free hearted Gentleman. That he paid him two pypes of wine and qn he desired him to make into money the wine that he distribut the wine amongst ye rangall and poor ones of the Toun and that himself and Gillereoch satt on ane hill evening ther arrowes, M^rleod ansred that he knew by his former cariage that he was a Gentleman and seing it was a year since he came to the Toun that he would gladlie know qt he was. Therfor desired to call him, He being come M^rleod brought him to a privat place and asked at him qt. he was. He told him he was his sister's son and the only man was left alive of his familie ; M^rleod was verie glad to see his sister's son in his oun house, He having heard befor that Leod M^rGilleandris did seek for his life. But he desired M^rleod not to reveal him at that time to his familie. He and his uncele being one day walking privatlie his uncele heard him give a great sich and asked him y^e reason. He ansred that it was because his fay^rs poⁿes were possessed be his enemy and that

¹ To 'airch' is to 'shoot for.'

² 'forgt' seems to be 'foreagainst,' *i.e.* opposite them.

he was not able of himself to putt them from the po^one, M'leod desired him be of good courage for he and all his men would goe and possess him in his estate. No saieth he you will not be at y^e paines but if yow please to give me on of yo^r boats and Gillereoch w^t his twelv men w^t oy^r twelv of yo^r own I will make an onsett first myself. His uncle having granted him that he should goe w^t such men as he desired and he choyse but w^t all telling him that if he would not gett his opportunitie that he and all his men would come on his advertisement.

Now I think it time to shew qt this Gillereoch was that he so earnestlie desired w^t him, they both having come to M'leod's house in one day became great comorads so that they kepted themselves secret from all men yet they opened ther minds one to anoy^r in so much that Gillereoch told him that he was a ñrall son of M'Lean's and that he had killed a sp^eall servant of his father's qlk made him leave his countrey and call himself Gilreach. Lickwayes Murdo du told him qt he was so that they both kepted the lowe and amitie they ought to one anoy^r. But now M'leod having gotten notiee of them both, they took sea w^t such men as they desired w^t them being less than M'leod wished to send and w^t a prosperous wind they landed at Sanchan in Kishern qr having drawn the boat They marched imediatlie to Kenlochu and they coming to the . . . they spyed a woman pulling rashes and still as she satt she began to mourne. He desired his men to shelter themselves in that wood and that he and Gillereoch would goe speak the woman, when they came to the woman they asked the reasone of her mourning she ansred that it seemed they were strangers that Leod M'Gilleandris and his men knew the reasone of her mourning, that she lamented those that ware the righteous owners of that land, that she was forced to live in slaverie qr she wont to mantain a familie of her oun that she lived now on y^e crumms of Leod Gilleandris his table that she gott for pulling rashes to the beds to his followers. Murdo asked her if ther was anie of that familie she mourned for to the

fore. She ansred that y^r wes hopes of one boy but ther was no word of him except he went to his uncle to the Lewes and that she had reason to lament his condi^one that it was her sister that gave him pape milk. He knowing y^e woman he told that he was the man and that she should goe home and get him notice in qt order Leod M'Gilleandris his house would be that night. She being verie glad in her own heart went merrily home that night. It was the custome of Leod's servants to cast clods at her qn she came home w^t the rashes, but she taking courage that night, she threw not of her burden till she gave them two clods for one qlk almost made them suspect that she gott tydings, Leod M'Gilleandris did resolve that night to go the nixt morne to the hunts. He appointed the Taak men to meit him timous at a foard in Taak qlk is now called a na kean¹ that is the foord of men's heads: she came qr they now were and told them the appointed place, qr they marched imediatlie. The Taak men coming tim^{lie} they thought it had been Leod M'Gilleandris and his men that waited on them, so that everie one that entered (except the natives) gott his head chopped off. And qn Leod M'Gilleandris came in the morning, he thought it was the Taak men that did attend him; he entered the place without suspi^one till he was challenged be strength of armes, he holding out for a time till he was forced to take ye retreat and being followed w^t goodwill and ane earnest desire of revenge he was killed in a myre near his own house in ach-reigss a place called to this day Fea leod.² When he putt Leod M'Gilleandris and his men to the sword, he gave Leod M'Gilleandris his wife and goods to Gillreoch qse successors are to this day in Kenlochow.

When his natives heard of his good success they flocked to him from all airts so that w^tin a qrter of a year he was master of all his estate. The Earl of Sutherland became his freind, he made great resort to his house at last he made bold w^t ye ladie being Robert y^e Bruce youngest

¹ Ath-nan-Ceann.

² Feith Leoid, *i.e.* Leod's bog.

daughter¹ so that he gott her w^t child qlk child was called Dougall. But the honest Earl did not challenge him nor the Ladie But fostered the child as it were his own. The child coming to some years he began to beat ye rest of ye children. But qn the Earl challenged him The ladie would say that [it] was hard to tell qo was Dougall's Fay^r qlk the Earl took in good part. But qn the Ladie saw him come to the years of majoritie she told his fay^r. The king knowing him to be of his blood he made him Pryor of Beaulie. He had othir three bastards sones called Fewil Alex^r and Hector. Of Fewil are descended John M'Ronald veConchie, Rorie somtime chamberlain of Braban that is Fay^r to Mr. Rorie M'Kenzie minister of [Croy] and to Wm. M'Kenzie. Also of this Fewil came Donald M'Ronald that is Fay^r to John M'Kenzie wryter in Edin^r. Of Alex^r came Murdoch Moire that lived in Ledgaun and manie more comones that are dispersed throw the countrey.

This Murdoch Mackenzie now the 6th Laird of Kintail married M'Leod of Herries daughter who was moy^r to Alister Inrick. After M'Leod's daughter's death he gott w^t ye Laird of Assint's daughter Murdo Reach qo was a valiant and stout captain according to the times that he lived in, and seeing y^r are a number of fyne active Gentlemen descended of him I will continow to speak of him till I begin to speak of all the families that is descended of the cheife familie.

The 7th Laird of the familie was called Alex^r M'Kenzie of Kintail.² He was called Alister Inrik³ and was so called

¹ The Princess Margaret was married to the Earl of Sutherland after 1st December 1342, and died soon after 30th March 1346—according to Fordun immediately after the birth of her only son. It also does not seem that there was any Prior of Beaulie about this time named Dougall.

² According to Mr. P. J. Anderson (*Scots Peerage*, vol. vii. p. 497) he had a charter of Killin and other lands from the Earl of Ross in 1463, and a crown charter in 1477 of Strathconan and other lands forfeited by the Earl. But the authority cited is only an Inventory of the Allangrange Papers. He does not appear in the Register of the Great Seal or other public records.

³ Ionraic, *i.e.* upright.

because he came to his estate throw manie perils and hazards of his person.

After his father's death he was nurished and brought up w^t M'Coul of Lorn. His three bastard breyren Fewil, Alex^r and Hector usurped over his whole estate in so much that they abused such of the countrey men as did not consent to y^r wickednes both in y^r lives and meanes. But M'Cauley a countreyman of Kintail being one that could not endure yⁿ tyrannie and having respect to the righteous aire went privatlie to Lorne and brought his m^r privatlie to the countrey of Kintail and w^t such countrey men as he found Loyall he went to Kenlochu and apprehended these three bastards y^r living on the spoil of the countrey and comones and brought them to his righteous m^r to Glenelchaig in Kintail q^r they repenting nothing of y^r former wickednes were made shorter be y^e loss of y^r heads. Then all his Countrey men being glad to be red of such oppressors came to him and took ther land of him, wowing to dye and live for him; But he wes no sooner quite of that trowble but he fell in a greater for in the year 1401 Eufam Leslie¹ onlie daughter to ye Earl of Ros fell to be heritrix of Ros, and M'Kenzie being a comlie personage and she being somqt hard favoured, she took such conceit of M'Kenzie that she would neids have him in

¹ Whatever foundation there may be for this curious story, the facts cannot be as stated. Eufamia, elder daughter of William, Earl of Ross, married Sir Walter Leslie in 1366. On her father's death in 1372 she became Countess of Ross in her own right. After the death of Sir Walter Leslie she had the misfortune to marry Alexander Stewart, Earl of Buchan, better known as 'the Wolf of Badenoch,' and seems to have died in 1395. By Sir Walter Leslie she had two children, Alexander, who succeeded her as Earl of Ross, and Mary, married to Donald, Lord of the Isles. Alexander Leslie, Earl of Ross, married Isobel, daughter of the Regent Albany, and died in 1402, leaving an only daughter, Eufamia, who in 1415 resigned the earldom in favour of her uncle, John Stewart, Earl of Buchan. Prior to this date Donald of the Isles had claimed the earldom as in right of his wife, and the battle of Harlaw was fought in 1411. Further on the confusion is still greater when on p. 18 Eufamia Leslie is made the wife of Donald, and mother of Alexander, Lord of the Isles and Earl of Ross, and on p. 20 this Alexander, who died in 1449, is confused with his son, and made to resign the earldom into the king's hands in 1468. It may also be noted that there seems no ground for thinking that Balnagown ever belonged to a Leslie. See *Origines Parochiales Scotiae*, II. ii. p. 462.

mariage qupon she did invite him to the Castle of Ding^{ll} ther feasting him honourable: She made her courtiers and freinds shew him qt love and affection she caried to him and that she would have no oy^r husband. But he continowallie gave them a denyall telling them that ye Ladie might get manie of greater estate then he, that he could not live w^tout the envy of greater persones and of greater qwalitie if he maried her, that he had ane estate of his own y^t might serv him w^tout the envy of his betters. Many would admire that he should refuse the Earldome for marieing a woman of little beawtie. I believe the cause of his not marieing her was, for that he knew that the Duke of Albanie then Governour of Seotland intended to cross anie that would marie her having ane inten^one to settle that estate on his own 2nd son. When ye Heritrix knew that she could not attain to her desire, she dissembled her greife and made mirrie till night, He having gone to bed qⁿ he was in sound sleep she came and lay w^t him in ye bed, then her freinds and servants came in with light and cried now M'Kenzie wee are witnesses that thow art Earl of Ros. He leaping from ye bed said that he was not Earl of Ros nor ever should be in y^t condi^one. Imediatlie they laid hands upon him and imprissoned him in a chamber w^tin the Castle, took his speall attender and tortured him till he told them that y^e house of Ilandonnan would never be rendered be M'Cawley then Constable of it till he would get the ring that was about M'Kenzie's finger. Then they went to M'Kenzie and took the ring of his finger qlk they sent imediatlie w^t a partie to Ellandonnan as a signe to M'Auley to render the house to that partie. When they came to y^e Isle they presented M'Auley w^t ye ring, telling him that his m^r had sent them to receave ye house, That his m^r and y^r Ladie was agreed on all tearmes for marieing and that he was to live w^t her w^tin the Castle of Ding^{ll} till order would be had for y^e mariage, and that least he would pass from his condescendance that they as the Heretrix's servants were to keep his house till the mariage were fulfilled in all requisit ceremonie of ye church. M'Auley beleeving qt they sd

to be true because he gott ye ring delivered them the house. But he heard y^e contrare qn he came out, to wit, that his m^r was imprissoned and that ye ring was taken of him be force. Then he took beggers apparel and came to the castle of Ding^{ll}, sought almes under ye window of ye chamber q^r his m^r was imprissoned ; his m^r knowing his voice, looked out and asked him q^t had become of ye house, he told him, he had delivered it upon sight of y^e ring. Then he asked his m^r if ther wes anie way to releive him out of that prisson. He ansred that y^r was a crooked aver on qch the Ladie stood : if that aver could be apprehended it might be it would releive him. He understood this aver to be Alex^r Leslie Laird of Belnagown the ladie's uncle : He was an aged man and kepted himself privat in the house of Belnagown. He did not come out but once everie morning that he came to a wood that was hard beside the house to recreat himself, M^cAuley came home gathered a partie that he knew to be faithfull to him, came straight to the wood of Belnagowne mett the Laird tymous in the morning. He apprehended him, marched away with him. The Alarm goes throw the Countrey that the Laird was taken away, the Countrey gathers, follows M^cAuley speciallie the Dingwalls and Monro's : M^cAwley seing them like to overtake them sends away two of his men w^t ye Laird and stood w^t ye rest of his men to defend a pass that was hard by ; q^{lk} pass was called from that day Bellach ni broigg, the persewers being forced to lay ther shoes on y^r breasts to keep them from ye arrowes of ye de^{rs}.¹ The two men that M^cAwley sent w^t ye Laird hearing the fight begun thought it below y^r manhood to waite on ye Laird and y^rfor resolved to ty him to a tree in a wood that was hard by, and to take y^r part of the play w^t ther comerads and according to ther resolu^{one} they did bind the Laird in y^e wood and reteired to y^e fight ymselves. But at last M^cAwley having spent all his arrowes and the countrey gathering more and more agt. him was forced to quit the pass and qⁿ he had quite himself of yeemie,

¹ Defenders.

he asked the two men qt they did w^t ye Laird; They ansred that they left him bound in the wood: In this conflict of Bellach ni broig¹ The Laird of Kildin w^t seven score of his name was killed and almost all the name of Monro having left thirteen that were to succeid Lairds of ffoulis ane after anoy^r. But M'Awley finding that they left the Laird in the wood retceires again to y^e wood and be providence finds the Laird wher he was left. He makes heast away w^t him comes to the marches of Kintail q^r he meits w^t fourtie men of the Heretrix's earieing provision to the house, he puts them all to the sword. Takes y^r burdens on his own back and on the backs of so manie of his companie as he pleased to bring with him. The place qr he apprehended ym is called as yet Ald na balgan:² straight w^t these burdens he and his companie came to Ellandonnan having his armes under his cloathes, to play that constable like for like, he eried to open the yaits that they were wearied w^t long travel, that they traveled none but in the night for fear to be apprehended. The sillie Constable thinking them to be eariage boys leit them all have entres but how soon they patt off ther burdens. They apprehended the Constable and such as he had with him.

How soon M'Auley provided the house in all things necessarie for a long seidge he sent word to the Heritrix to deliver his m^r to his libertie from prisson oy^rwayes he would hang her uncle. The Ladie seing that better could not be, and seeing him obstinat, she did sett him at libertie for to get her uncle baek again.

Of this Alex^r Leslie The Clanleandris got the lands of Behagawn, and how now they are called Rosses I beleeve

¹ This fight no doubt took place, but the date seems uncertain. Sir Robert Gordon (*History of the Earldom of Sutherland*, p. 36) has a version of the story, and gives the date as about 1275. In *The Wardlaw MS.*, p. 83, it is given as 1374. On the other hand, a modern writer, Mr. A. Mackenzie, in his *History of the Munros*, p. 20, says, 'There is now no doubt that this battle . . . was fought in 1452.' But his account of the preceding incidents does not inspire confidence.

² Allt nam balgan, *i.e.* the Burn of the burdens, or strictly, of the Wallets.

is unknown to themselves. It is like they have taken thir surname from the countrey they live in.¹

This Heretrix of Ros married the Lord of ye Isles² for qlk he acclamed the Earldome of Ros which occasioned the battle of Harlaw qch was fought in the year 1411.

When this Ladie's son Alex^r Lord of y^e Isles and Earl of Ros came to perfyt age, his moy^r being still ane instrument of mischief moved her son to vex his neighbours, qch made King Ja. the first come in person to Invernes qr he apprehended Alex^r in the year 1426.³ He brought him prissoner to Pearth qr he was accused of oppression and manie barbarous cruelties he used agt. the king's free subjects but such was the king's clemencie in hopes of his amendment that he releassed him. But benefits obleidges not ignoble minds, for no sooner was he returned to his own territories but (interpreting imprissonment a shame and dishonour to a man of qualitie and power) He gathered together a number of his people and came to Invernes burnt the toun and besiedged the castle, at the surmize of qch all the well affected gentlemen of the neighbouring shyres gay^red to armes qlk moved him to disband and goe to the yles and from thence to Irland.

¹ This is a strange misstatement. The facts are as follows: In 1333 Hugh, fourth Earl of Ross, granted Balnagown to Hugh Ross of Rarichies, the eldest son of his second marriage. The estate remained with Hugh's descendants till 1711. In that year David Ross, thirteenth of Balnagown, died without lawful issue. By the influence of his wife, a daughter of the fourth Earl of Moray, who in turn was dominated by sundry Presbyterian ministers, notably the Rev. William Stewart, minister of Kiltearn, the laird was persuaded to pass over the next heir, Ross of Pitcalnie, as well as his own illegitimate children, and leave the family estates to an entire stranger in blood—one of the Rosses of Halkhead in Lanarkshire, who made an entail under which the estates finally passed to a Sir James Lockhart, from whom the present proprietor is descended. As this family has assumed the name of Ross, they are sometimes ignorantly supposed to be connected with the ancient race whose possessions they enjoy. An account of the intrigues which brought about the disherison of Pitcalnie will be found in vol. xliii. of the Arniston Collection of Session Papers in the Advocates' Library.

² *Vide ante*, p. 14, note.

³ One of the many treacherous and tyrannical acts of James I., which finally brought about his murder in Perth.

But the king preveened him in setting a price on his head and sending parties to keep all passages from him, at last he began to interceid w^t his freinds at Court, sindrie did attempt the king's clemencie but he would not grant nor assure y^m of anie favour till Alex^r in person as a supplicant would render himself and his estate to his disposeure. Thus finding no way of escape and being destitut of all help, He was imboldened to come privatlie to Ed^r on easter day wrapped in a mourning garment ¹ and concealed amongst the multitude. The king coming from the Church of Holyroodhouse He fell prostrat at his knees beseeching for grace, qch at ye request of the Quein he obtained, for he gott his life and privat estate safe providing he would doe no more harme: W^m Douglas Earl of Angus was appointed to keep him and that wⁱⁿ the Castle of Tantallon. His moy^r that stured him to all this mischeife was committed to the Isle of St. Colme.

Donald Baldach cousen german to Alex^r Lord of ye Isles resenting the King's proceedings agt. his cousen raised a great number of outlawes and robbers and came to Lochabber omitting no crueltie qch intraged savages uses to comit, Alex^r Stewart earl of Mar and Allan Earl of Caithnes came to defend ye countrey agt. the incursions of these robbers, and rancountered them at Inverlochic qr Alex^r Earl of Mar was defeated and Allan Earl of Caithnes slaine.² Baldach insolent of his victorie returned to the Isles with a great booty. The king at the rumor of this disaster in all celeritie came to Dunstafnage with a great armie intending from that to pass to the Isles, qlk qn the cheif men that were with Donald Baldach understood, turning ther defence into a submission They came in heast to Dunstaffage and humblie begged

¹ 'He was clothed only in his shirt and drawers' (Gregory, *History*, p. 37).

² Sir Donald Balloch Macdonald was the eldest son of Ian Mohr Macdonald of Isla, younger brother of Donald, Lord of the Isles. According to Gregory (*History*, p. 39) the head sent to King James by Hugh Buy O'Neill was certainly not that of Donald Balloch, who survived till 1475. The battle of Inverlochic was fought in 1431.

the king's pardon, Laying all the fault of the whole rebellion on Baldaeh saying that he pressed them against ther wills ; The king supposing extream rigour at that time to be ane unseasonable eure taking y^r oathes of fidelitie and that they should persew Baldach and his followers, receaved them into his favour, only transporting some of the most factious alongs w^t him. They in few days to seem worthie of ye king's mereie surprised a great number of Baldaches men 300 of qch dyed all on gibbets. The king least hope of impunitie might cherish rebellion resolves to find out Baldaeh and hearing he lurked in Irland in ye bounds of one named Odo he sends to have him delivered ; Odo out of fear of the king's displeasure or hope of reward seaseth on him and suspecting if he did send him alive he might be power or stratagem flight his convoy he chopped of his head and sent it to King James then remaining in Stirling.

Alex^r Earl of Ros was kepted in Tantallon till the year 1430 that the Qween was delivered of two sones at once for joy of qlk all prissoners were sett at libertie and he amongst the rest. This Alex^r resigned the Earldome of Ross to King James y^e 3^d in the year 1468.¹

It made me write this passage of Eufam Leslie and her housband and son to shew how fortunat Alex^r Inrick wes in not maricing this woman qo occasioned her housband and son to so manie miseheifes that they lost not onlie the title and Earldome of Ros but much of y^r oun former estates had they not had meeting w^t two graecious princees. Alexander Inrick qo refused ye Heretrix of Ros married to his first wife M^cCoul of Lorne's daughter qo wes moy^r to Kenneth that fought the battel of Park and to Duncan M^cKenzie qo was Allan M^cKenzie's fay^r of qm are descended the familie of ClanAllan.

Alister Inrick had to his 2d wife M^cRonald's daughter qo wes moy^r to Hector Roy M^cKenzie of qm y^e familie of Garloch. Alister Inrick had one daughter qo wes married to Allan M^cLeod y^r of Garloch. This Alister Inrick

¹ *Vide ante*, p. 14, note.

dyed verie aged at Kinnellan Anno 1472¹ and in the beginning of y^e reign of K. J. 3^d.

The eight Laird of Kintail was called Kenneth² qo married to his first wife the Lord of y^e Isles daughter³ gotten w^t Eupham Leslie Heritrix of Ross; His broy^r in law Alex^r Lord of y^e Isles and E. of Ross living in Baleonie did invite all his neighbours to the feast of yuil and amongst the rest did invite his broy^r in law Mackenzie qo qn he came found the toun so throng that yr were no lodging for him; qn his serv^t asked for qt end he wes sought he wes desired to go q^rter that night to a toun called Cullucudden qch he took as a great affront that he should be sought from his own house and sent amongst comoners to q^rter q^rupon he went timous the nixt day home and did repudiat M'Conil's daughter and sent her home to her broy^r, having but one son procreat betwixt them. And the more to affront M'Donald, He convened all his men and marched away to Lovat's bounds qr he took up all the goods that were in the Aird [and] brought them to the yait of Lovat. Then he desired the Lord Lovat to give [him] his daughter, otherwayes that he would burn and waist all his estate. Some of Lovat's freinds would be at

¹ Mr. P. J. Anderson gives the date as 1488, but cites no authority (*Scots Peerage*, vol. vii. p. 497). As Mr. Anderson has apparently had access to the Seaforth charter chest, the reader is referred to his article for information on various points.

² Kenneth-a-bhlair. This is the first of the family who appears in the public records. Originally tenant of lands in Easter Ross, he apparently failed to pay the rent, and Lord Lovat, who was his cautioner, had the estate of Kynnell appraised from him in consequence (*Exchequer Rolls*, vol. viii. p. 597; vol. ix. p. 405; *Reg. Mag. Sig.*, Aug. 31, 1480). From the accounts of the Crown Chamberlain of Ross, 1483-1486, it appears that he asserted that he had a charter from the Earl of Ross of the lands of Moyne and others in Easter Ross, but he was able to produce only a copy of the alleged deed (*Exchequer Rolls*, vol. ix. p. 405). It seems on the whole pretty certain that he was a native, not of Kintail, but of Easter Ross, and that he rose to importance on the forfeiture of the Earl of Ross in 1475.

³ The identity of the lady seems doubtful. Mr. Gregory, p. 52, makes her the daughter of John, Lord of the Isles and Earl of Ross, and says that her brother Angus defeated the Mackenzies at a place called Lagebread. Lord Cromartie says she was daughter of 'John of Illa,' and that the insulted person was Donald, her brother, and eldest son of John.

defending the houss and not to give him Lovat's daughter. But the Lord Lovat sd that he would not suffer his estate to be waisted for his daughter. That he knew Mackenzie would perform qt he sd if he were refused. Therfor that he would give him his daughter and take his peace befor his sword.¹ MacConil seing that his sister wes putt home to him and that Mackenzie had taken anoy^r noble man's daughter to be his wife, He vowed that he would leave nay^r root or branch unrooted out belonging to Mackenzie. Imediatlle he goes to y^e Isles conveenes all his followers to the number of 3000 men and more and comes down to Ross spoiling and waisting the countrey as he came. The countrey people being in great fear of him putt all the domestick goods as in a sanetuarie wⁱn the kirk of Contain qlk he caused burn to Ashes.² Then he marched to Park³ qr Mackenzie did attend his coming w^t such forces as he wes able to get qlk did not exceed 600 men at most. When M'Donald did see M'Kenzie and his broy^r Duncan bide his coming he leugh saying to his broy^r Archibald 'doe yow see how these presumptewous fellowes dare bide and suffer to see me and my following?' His broy^r ansred that they were such fellowes as would try him better befor they would slide; he ansred his broy^r that tho' he would goe second then he and they both would not be a Breakfast to him and his following, so they marched till both parties mett w^t a terrible stour fighting handsomlic on both sides; In the heat of the fight M'Kenzie's standard bearer met w^t M'Conil's standard bearer qr they fought hand to hand till Maekenzie's man killed M'Donald's man and qn he had killed he sett his standard throw his bodie in y^e earth and went himself to fight throw the feild. His m^r meeting him asked qr wes his standard. He told him that he left M'Donell's man

¹ Vide *The Wardlaw MS.*, pp. 110, 111.

² The Aberdeen Breviary, etc., *Origines Parochiales Scotiae*, II. ii. p. 504.

³ Mr. Gregory, *History*, p. 83, takes the view that the battle of Park was between Alexander of Lochalsh and the Mackenzies, and gives the date as 1491. See also *ibid.*, p. 92. Sir Robert Gordon, p. 77, makes Gillespick, *i.e.* Celestine of Lochalsh, the leader of the Macdonalds.

keeping it. Archibald, M'Donald's broyr^r grew in a rage throw the feild seeking to win at M'Kenzie his brother having upbraided him at ther first discourse of cowardice. At last he and M'Kenzie mett qr they fought hand to hand till M'Kenzie's scallaig more,¹ called Duncan More, went betwixt M'Kenzie and him. Archibald let a stroak at Duncan More. Duncan more drew a foot back from the stroack so that Archibald's harbart stroack in ye ground grupon Duncan more sett forward w^t such force that he choped of Archibald's head and threw it at his m^r's feet. Qn they went home at night Duncan More began to tarrow; Mackenzie sd well Duncan I saw one drawing a foot back this day, he ansred if yow did so, yow saw it goe forward again and if I had not done so I had not tarrowed on yow this night.

When Mackenzie was coming to the fight he sent his father Alister Inrick being old and blind w^t two men and two weemen to attend him to a Craig called Craignish, qr thinking long they sent one of the men to spy how the fight wes going, the man thought it no credit to him to reteire, but take his part in the play, and qn Alister Inrick knew y^t that man did not reteire he sent the oyr^r qo did as his comerad did, then he sent on of ye women qo returned to him and told him all y^e companie were running straight to Connan, 'weel' saiyeth he 'my lads have done verie wel they have gottin the victorie, cause lead me hame' so he went home to his house of Kinnellan² and qn his sones reteired from the fight he asked of them how it happined w^t them that day they told they got ye victorie

¹ Sgalag mor, *i.e.* Big servant. In his paper already referred to, *vide ante*, p. 8, note 2, Dr. Mackay says of the Celtic Church: 'In addition to those learned men there was a lower class of students called "scolocs"—we still have the word in the Gaelic "sgalag," a farm servant, poor searchers after knowledge, who received education in the monasteries in return for their services as labourers on the Church lands, and who appear in the monastic records as late as the fourteenth century.' Whether this etymology, which differs from that given in the Highland Society's *Gaelic Dictionary*, be sound or not, the reader will find abundant information about the Scolocs in an appendix, contributed by Dr. Joseph Robertson, to vol. v. of the *Miscellany of the Spalding Club*.

² Near Strathpeffer.

and that they had taken M'Conil prisoner 'Weel my lads yow have done verie weel but that yow have made two dayes of one day,' his son asked qt he meant by that he ansred, qy did they not kill M'donald qn they took him, qy should they take anoy^r day to kill him.

When M'Conil's men were on y^e retreat they mett w^t ane old wife at qm they asked y^e foord. The old wife ansred that all the water wes but on foord and they being hotlie persewed never cared qr they took ye water. There wes one Glastren Gaw that wes foster broy^r of Lovat's daughter qo wes coming wt 24 men to help Mackenzie, he thought to have partaken the battle but he did but meet them as they were running in the water and every one as he found landing he brained him and let him goe w^t ye water.

The night before this battell qlk wes fought 1471 ther came a gentleman to M'Kenzie's house to Thigg.¹ The gentleman wes the Laird of Brodie, and aft. he wes served in his thiggins be M'Kenzie, he gott intellegence that M'Kenzie wes to fight the nixt day, then he said qhat for a man he getteth his supper but he should work for his dinner; he stayed agt. M'Kenzie's will till the fight wes ended qr he fought most stoutlie and receaved a wound qlk service of his has keeped correspondence to this day betwixt the M'Kenzies and the Brodies.

In this battle M'Conell wes taken prissoner and his broy^r wt manie more of his kindred killed. He wes sent to be keeped to Lovat. Such of his men as escaped the battle and water drew together and began to spoyl Strathconnan, M'Kenzie hearing that they were spoyling Strathconnan followed them w^t a partie and overtook them at Inverchoran qr he gave them a saire skirmish and scattered them diverse wayes: That night qn he satt to supper he missed his scallag more Duncan More, 'well,' saies he, 'wee have gottin but small viorie this day in respect Duncan More is a missing,' one of the companie sd he saw him goe up to Glencoran aft. 4 men this wes no sooner sd

¹ Thigg, to borrow corn or stock from a neighbour.

then Duncan more came wt the heads of 4 men in a widdie qlk he threw at his master's feet.

After this skirmish of Inverehoran M'Kenzie went to the Lovat to sie M'Conil qm he did sett at libertie for giving his oath that he should never take armes in this quarrel again.

Mackenzie kepted Lovat's daughter all the rest of his lifftime. She was mother to John M'Kenzie aft.ward Laird of Kintail, to Alex^r M'Kenzie the predecessour of the familie of Davachmaluaek to Rorie more M'Kenzie the predecessour of the families of Achildie of qm Ardross and Fairburn of qm Tollie; and to Kenneth M'Kenzie¹ the predecessour of the familie of Suddie of qm Ord and Inverlael. She was moy^r also to one daughter that was first maried to M'Ky and aft. his death to M'Leod of the Lewis.² She wes moy^r to Torqwill Conminach and John ni twog.³ M'Gillichallum Rasay's broy^r ravished her from his Cheife M'Leod of ye Lewis, she buire him ane daughter that was maried to Alister Roy M'Eaehin that lived in Auchtarnieid.

Mr. Donald Frazer his great Grandfather that wes preist of Kirkhill went be the direction of Bishop Hay⁴ uncle to Lovat's daughter to Rome and brought home a power from the pope to legittimat the children gotten betwixt M'Kenzie and Lovat's daughter. This Kenneth Laird of Kintail dyed at Kinnellan the year of God 1491 and was buried at Bewlie⁵ all his predecessoures being formerlie buried at Icolmkyll⁶ as ther tomb at that place doth yet testifie. This laird dyed in the latter end of the raigne of K. James ye 3d.

¹ According to Lord Cromartie he was Chanter of Ross, and was married. For this transgression the Bishop proposed to unfrock him, but was terrorised by the Mackenzies into leaving him alone!

² *Vide post*, p. 266, note 1.

³ Ian na Tuaighe, John of the Axe.

⁴ Thomas Hay was provided to the see of Ross, May 16, 1483 (*The Bishops of Scotland*, p. 221).

⁵ His tomb is still extant. *Vide* Chisholm Batten's *History of Beaully Priory*, p. 105 and frontispiece.

⁶ There seems no truth in this statement.

The ninth Laird of this familie was called Sr Kenneth M'Kenzie of Kintail. He was agnamed Kynnach Aig¹ being fostered in ye Taaks in Kenlochu. He was ye only child gotten w^t M'Conil's Daughter. The 1487 manie of y^e nobilitie of y^e South raise in rebellion agt. King James the 3d, The King to be quite of y^r trowble gave out that he was to quite them and to goe to fflanders. But aft. he took shipping in Sr Andrew Wood's ship he took anoy^r resolu^one and landed in Fife. Then he came north to make sure his subjects in the north and hold justice courts at Aberdeen and Invernes; ther he was informed that y^e shyre of Invernes and oy^r neighbours would ans^r the king y^e better that he had M'Kintoshe and M'Kenzie in eustodie that they were two young men that had great following and were of a great command and that ther vassals and followers durst not doe but as they would direct them. Upon this informa^one the king brought them both w^t him to Ed^r in ye year 1488. The factious nobilitie raised ane armie agt. the king and took the prince from his keeper and armed him (being but 16 years of age) agt his fay^r. The king w^t such freinds as he gott true in ye south resolved to come from Ed^r to Stirling to attend his trustie freinds of the north qo were coming to his assistance w^t all y^r power, qn the king came to Stirling he found the ports closed cannon sett agt. him and his armie and y^e Governour and young men in armes agt. him by his expecta^one: His m^atie being considering qt to doe newes comes that y^e factious Lords w^t y^r power were come to Falkirk. Be this unexpected accident trusting to his right and present power (though much les then thers) thinking it a disgrace to flie from his subjects he resolved to fight y^e rebels. They fight beside the water of Carron at a place called Sauchie burn near Bannock burn qr King Rob^t the Bruce overcame y^e great armie of y^e king of England. The king not being able to hold out agt. y^r number was forced to retere; His horses having failed him he was killed in

¹ Probably a transcriber's mistake for Oig.

a Miln in cold blood the ii day of June 1488 : M'Kenzie and M'Kintoshe hearing that the king was killed left Ed^r, They both running throw Mar¹ having no man w^t them went to ane inn to take a drink ; The Laird of Buehanan being of the faction that killed y^e king and hearing of y^r being in y^e inn closed about them and desired them to render and put themselves in reverence of y^e Lords that had killed the king, qlk M'Kenzie refused thinking it below his honour to render himself to rebels that killed y^r king but choosed ray^r to die fighting at last he was killed. M'Kintoshe seing him killed and himself not able to resist his persuers rendered himself.

It is reported amongst y^e comones that it was Q. Marie that brought them south, qlk could not be, for Q. Marie relict of K. James ye 2^d qo ruled in time of ye minoritie of her son died in ye year 1466 and Q. Marie ye moy^r of K. James ye 6th was not crowned till the year 1543. This Laird was never married. In his going to Invernes to meit ye king he was a night in ye Barron of Moniaek's house qse daughter he gott w^t chyld qlk chyld was called Rorie beg and of him came the parson of Slate. In his return from Ed^r he got a chyld w^t a gentleman's daughter in Cromar qlk chyld was called Thomas and of him are descended all the M'Kenzies in Cromar qo are called slighk homas veChynnich.²

If this Kenneth had lived he ought to be aire to M'Conil and to M'Kenzie. After his death Hector Roy his uncle possest himself with the estate (Allan y^e son of Duncan being young qo ought to be Tutor, and the children of Lovat's daughter being verie young qm Heector thought to putt from anie clame alledging them to be bastards though the pope's commission came to make them legitimat :) Allan qn he came to some years went to Loehaber

¹ If Kenneth-a-bhlair only died in 1491, his successor cannot have been killed in 1488. Lord Cromartie's story is that this happened in 1498-9, that they had escaped from Edinburgh Castle, and that it was in the Torwood that Buchanan tried to capture them by treachery, 'that thereby he might have a means to ingratiate himself with the King.'

² Sliochd Thomais mhic Cheinnich, *i.e.* the race of Thomas, the son of Kenneth.

qr his uncle the Laird of Clanchameron was to desire his assistance to putt Hector from [his] place: Allan had a man w^t him qo was nicknamed ye Bee and his uncle had a man qo wes called the Emmet. These two falling out The Emmet strack ye Bee. Allan sought redress for ye affront done to his man from his uncle. His uncle said in Irish that he had made a verse qlk verse is to this meaning. The Emmet sd to ye Bee and they sitting at stoack qr thow hast made thy summer home let it keep thee a winter Lodging when Allan hard ye verse He took his armes and sd that he would never seek his help to fight agt. his own kindred. It is reported of Hector that it was he that caused counsell the king to bring M'Kenzie south.

When John the eldest son gotten w^t Lovat's daughter came to ye age of 15 years he desired his uncle to aeknowledge him as superiour qlk his uncle refused to doe, John seing his uncle obstinat did strive to take his own by force of his uncle, but his uncle having drawn ye most part of ye cuntry men his own way, John was necessitat to seek of his uncle a galay to transport him and such as pleased to follow him to Irland. Hector yeilded to that his desire and gave him a galay that lay at Torridon upon this condi^one that if he failed to goe, he would pursew him as his enemy. Of all ye cuntry men John gott none to goe to Irland wt him but 30 men. When John came on his march to Torridon Hector had spies used [to see] if he made straight for his boat. And John tho' young was so active that he knew his uncle would have spyes so he directed men to see qn his uncle's men would retein; when his uncle's men saw him enter in Glentorridon they thought he made straight to his boat and so they retein home. John sitting at a burn in ye midst of Glentorridon called Ald Corrinarnich, his oun men retein to him and told him that his uncle's men were retired. Then he sd to such as were w^t him 'Now, my faithfull cuntrymen, I perceiv yow are resolved to quite yo^r cuntry for my cawse.' They all ansred that they would die and live w^t him qrever he pleased to goe. 'Then seing yow are all so resolved I think it most fitt y^t befor wee quite our

N. Forbes, *Gaelic Names of Beasts, Birds etc.* p. 397,
Thuir an t-eilean ris an t-seapan
Team a mall 's gun tog sunn tigh
An fear do'n tigh thu do mhul shamhradh
Togadh e tigh seamhradh dhuit →

The sin against a fo thalamh tigh
 Tigh air nach ruig galleann no gath,
 'S bròl tusa 'n d' d' shilleachdan lachdaran
 A' streapadh ri gasagan frasich.

GENEALOGIE OF SURNAME OF M'KENZIE 29

countrey wee make an onsett on Hector this night, and if it fails us that wee may come straight to our boat and goe for Irland but all of yow must promise to me befor I reteire w^t yow that if we get opportunitie of Hector that none of yow will give qrters to Hector or to any that is w^t him'; qlk they all promised to doe; inediatly they reteired and made straight for Wester Fairburn qr Hector dwelt. Hector's spyes were not well entered ye house qn John's spyes were about ye house. Hector asked qr they had left John; they ansred that he made for his boat, that they saw him last at Ald Corrinarmich 'well then,' saieith he, 'wee may sleep sound this night wee need not fear Agnes' son' for so Lovat's daughter was called; but ye first wakening that Agnes' son gave them was ye house sett on fire about them. Then everie one that wes w^t John sought for his own freind out of ye house contrare to ther promise; then John sd qt rela^one of nature have all of yow to yo^r own freinds but I have ye like to my own uncle. So he desired his uncle to come out of ye house that he would give him qrters. When Donald Du M'Gilliechrist ve Gillireoich, a Kenlochu man that was w^t John, qo wes a foster broy^r of Kenneth Oig hard him call for his uncle he drew neare ye door w^t his two handed sword thinking to cutt Hector in peices, but Hector spyed him at ye door and sd he would never go out so long as Donald stood y^r, then John desired him to remove so to let his uncle come to him, qlk he did. That night John and Hector did condescend that Hector should have ye estate till John were ane and twentic years and that John should live on his own purehass till then. The next day Hector began as John's tutor to sett ye lands, and ye first y^t came to seek land of him was Donald Du M'Gilliechrist ve Gillireoich; Hector sd to him 'qy doe yow seek land of me this day that would have killed me yester night?' Donald ansred that he eared not qither he gave land or not, that if he had such way of him that day as he hat y^t night that he would not shew him better favour, that Kenneth's death wes deeper impressed in his heart then anie love that ever he would earie to him.

Hector ansred that if he had such rela^one to him as he had to Kenneth y^t he would doe y^e like for him, therfor he to take his choise land in his countrey. Now seing I intend to shew more of Heector qn I come to speak of him and his familie, I leave him now ruling his nephewe's estate, and will speak of ye nephew.

The 10th Laird of this familie was called John.¹ He entered Laird in ye beginning of ye reigne of K. James ye 4th qm he faithfullie served. Wm. Drummond of Hathornden in his historie of ye reigne of ye 5th K. James reports that he and M'Lean were killed w^t ye prince at Flowdoun in ye year 1513; but ye contrarie is known for he esaped ye feild of Flowdoun and aft. fought w^t. Q. Marie at ye battle of Pinkie in ye year 1547 qr manie scotsmen were taken prissoners and amongst ye rest he and ye Laird of Kilravock qo told to ye enemye that they were both comone men, the one a bowman and ye oy^r a Miller; the reason of this alledgiance was that they might ye sooner be putt at libertie wtout a ransome, but qn Huntley wes sent over to know ye prissoners he saluted M'Kenzie be his name amongst ye comones. But qn the enemye saw Huntley take him by ye hand they knew he was no comone man, they took him from ye comone prisson and putt him w^t ye rest of ye nobilitie of Scotland that were prissoners till he was ransomed wt cowes that was raised throw all his land; but ye Laird of Kilravock came off as a miller. I had almost forgot a storie of

¹ He is generally known as 'John of Killin.' If one may judge from the charters in his favour recorded in the Register of the Great Seal, it was he to whom the subsequent importance of the Mackenzies was largely due. In *The Earls of Cromartie*, i. xix., Sir William Fraser says: 'The earliest charter now in the Seaforth charter chest in favour of a Mackenzie of Kintail bears date March 10, 1525. It was granted by King James the Fifth in favour of John Mackenzie of Kintail and Isabella Grant, his wife, of the lands of Fodarty, Strathgarve and Killyn, in the earldom of Ross.' He then proceeds: 'From the Register of the Great Seal it appears that in 1509 James the Fourth granted a charter of Kintail to John Mackenzie, son of Kenneth Oig, who was the son of Alexander Mackenzie, owner of Kintail, in 1463'! The charter in question, dated February 25, 1508-9, is 'Johannis Makkenze de Keantalle,' and proceeds on his own resignation. It does not mention Kenneth Oig or Alexander, and for the remarkable confusion of generations Sir William, not the Record, seems to be responsible.

Donald Du M'Gillechreist ve Gillireoch a Kenlochu man that wes wt John at ye battle of Flowdown, qn as all ye Scots were in ye retreit from ye battle he hard on say 'Alace Laird thow hast fallen,' he asked 'qlk Laird?' Ye oyr ansred that it was Buechannan; then saith Donald Du 'if he hath not fallen, he shall fall' making straight qr he was and killed him in revenge of Kenneth Oig that was his foster broyr qm Buechannan had killed befor.

This John was a great courtier wt Q. Marie, he fewed much of ye lands of Brea Ros. When ye Quein sent her servants to know ye condi^one of ye Gentrye of Ross they came to his house of Killin; but before yr coming he had gotten intelligence that it was to find out ye condi^one of ye Gentrye of Ross, that they were coming qlk made him cause his servants to putt one a great fire of fresh Arn¹ wood (qn they came) to make great reek; also he caused kill a great bull in yr pnce qlk was putt all togeyr in ane kettle to yr supper; qn ye supper came ther was a half dozen of great dogges putt to sup the broath of ye bull qlk putt all ye house throw oyr wt ther tuilzie, qn they ended ther supper ilk ane lay qr they were; the gentlemen thought they had gotten Purgatorie on earth and came away so soon as it was day; but qn they came to the houses of Balnagawn and Foulis and Miltoun they were feasted like princes. When they went back to ye Q. she asked qo were ye ablest men they saw in Ross. They ansred they all but able men except that man yr was her m^aties great Courtier (M'Kenzie), that he did both eat and lie wt his doggs. 'Trulie' saith ye Queen 'It were a pittie of his povertie he is ye best man of them all.' Then ye Q. called for all ye Gentrye of Ross to take yr land in few qr M'Kenzie gott ye cheape feu and more for his thousand mⁿks yn anie of ye rest gott for five.

In this John's time the Clan Donald began to remember old quarrels, M'donald came to Kenlochu and harried it and killed a gentleman of ye name of M'Cra that lived yr called Milmoir M'Finlay. Imediatlie yr^aft. he came to

¹ Alder.

Ellandanton non being w^tin but Gilchreist M^cFinlay ye broy^r of him that was killed in Kenlochu and ye predecessor of Mr. fferq^r M^cCra; he desired Gilchreist to render y^e house, that he had harried Kenlochu and killed his broy^r in it, Gilchreist ansred that it was not time to him to render his m^r's house to him that killed his broy^r: M^cConill wes informed befor he came to ye house that none kepted it and that yr were no armes w^tin it.¹ Gilchreist seing M^cConill walk at ye side of his boat he shot at him and strack him w^t ane arrow in ye opening of his [mouth],² he lived not ane hour y^raft. The rest of his companie seing him shott retcired being fant hearted at y^r m^r's blood.

This John wes married w^t Grant's daughter qo was moy^r to Kenneth that succeeded him. He also had in his later dayes a Bastard ealled Dougall qo lived in Aplecros and wes married on a broy^r daughter of M^cLeod of ye Herries, he was killed be ye Matthew sones in Kishearn *anno* ³

¹ This incident took place early in 1540. For a fuller account see *Highland Papers*, vol. i. pp. 215 *et seq.* There has been a question as to whether Macdonald was Donald Gruamach or his son Donald Gorm. In his *History* (p. 145) Mr. Gregory calls him Donald Gorm. But he seems to have subsequently changed his opinion (*Collections*, vol. viii. p. 19). The reasons for thinking that the victim was Donald Gruamach are these: He was the son of Donald Gallich or Galdach, who was the son of Hugh of Sleat by Mary Gun, the daughter of the Crowner of Caithness. He was thus, in Gaelic, Donald MacDonald Gallich. Mr. Gregory discovered (see *Collections*, vol. i. p. 105) an entry in the Books of Adjournal, dated at Edinburgh 16th December 1539, referring to proceedings at the instance of Alexander Macleod of Dunvegan against *inter alios* Donald Grome M^cDonald Galdych, Alexander Macdonald, Alexander M^cDonald Galdych, Archibald bane M^cDonald Galdych, who were duly cited to appear in Edinburgh on 6th March 1539-40 on a charge of slaughter and reif committed in the previous May on the complainer and his tenants. Donald Grome or Gruamach, the son of Donald Galdich, was thus alive in the end of 1539. He was dead by the next summer, when King James v. made his expedition to the Western Isles. And it is also noticeable that his name does not appear in the Remission, dated 22nd March 1540-41 (*Privy Seal Register*, l. 15, f. 47), to Archibald Ilis alias Archibald the Clerk, Alexander MacConnell Gallich (apparently Donald Gruamach's brother, Alexander M^cDonald Galdych, mentioned in the Act of Adjournal), for the raid on Eilan-Donan as well as for their previous attack on Macleod of Dunvegan.

² Blank in MS. Mr. Gregory's transcript has 'mouth.'

³ Blank in MS.

leaving no law¹ succession but one son and one daughter. His son M'Dougall M'kenzie died unmarried schoolm^r of Chanrie, his daughter was married to Duncan M'kenzie in Reraick. This John M'Kenzie of Kintail died at Inverchorran in ye reign of Q. Marie and in ye year 1561 and wes buried w^t his fay^r at Beawlie.

The 11th man of this familie was called Kenneth comonlie desynged Kenneth na cuirk¹ he was maried on ye Earl of Athol's daughter² go bare him 3 sones and seräll daughters. His 3 sones Murdo that did not outlive him but one year Collin that succeded him and Rorie Moire of Redcastle. One of his daughters was maried wt. Glengarrie and after his death w^t ye Chisholm of Strathglash, anoy^r w^t ye Laird of Belnagawne, anoy^r w^t ye Laird of M'Kintoshe, anoy^r w^t ye Laird of Cromartie, anoy^r w^t ye Laird of Foulis, and ye youngest w^t Innes of Inverbreakie. He had also a bastard daughter that maried first ye Laird of Rasay and theraft. she was maried to James M'Kintoshe of Stroine.

This Kenneth was a verie active man. He burnt and harried Slait twice for his pleasure; he apprehended John Glassreh³ M'Eachin and putt him prissoner in Ellandanton qr he dyed, though he wes come to a good age; he outlived not his fay^r but 7 years. He died at Killin ye 6th of June 1568 and his eldest son Murdo dyed unmarried in ye year 1569, and both of them were buried at Beawlie in ther predecessors sepulchre.

The 12th Laird of this familie wes called Collin.⁴ In his time did the trowbles begin w^t ye Laird of Glengarrie, also he wes somqt trowbled w^t ye Monro's qlk fell out in this maner. In ye year 1583 the Monro's of Miltoun pretended to have had right to ye castle of Chanrie.⁵ John Leslie Bishop of Ros had given ye right and title

¹ 'Kenneth of the whittle'—so called 'for his notable dexterity in ingraving' according to Lord Cromartie.

² Elizabeth Stewart, daughter of John, second Earl of Atholl (*Scots Peerage*, vol. vii. p. 50).

³ John Glas, son of Hector of Gairloch.

⁴ Generally known as Colin Cam, served heir to his father, 1574.

⁵ The Chanonry of Ross, where was situated the cathedral of the Bishop of Ross. It now forms part of the royal burgh of Fortrose.

of the castle and castle lands to his coasen ye laird of Bowhyn.¹ The Earl of Murray Regent of Scotland gave ye po^one of the Castle to Andrew Monro of Miltoun; the Laird of Bowhyn finding himself not able to putt Miltoun from ye po^one of ye Castle of Chanrie, he sold his right to Collin M'Kenzie of Kintail grupon M'Kenzie beseedged ye castle and manned ye steeple of Chanrie qlk occasioned sräll little skirmishes till at last M'Kenzie being south it hapned that those that keeped ye steeple came to recreat ymselves to drink in ye toun such as John Du m'Rorie ve Alister (on of ye familie of Davachmaluaek) and John Reoch m'Lauchlaune (ane of ye familie of Clanallan).² In yr drink they became to play at dice; at last they discorded in speech that John Reoch sd to John Du that for all the trust his Cheife wes giving him that he would act but little agt. his gooddam kinn.—Sr W^m Monro's daughter that was killed in Auchnashellach, being John's gooddam. No sooner had John Reoch upbraided him but word comes that ye Monro's were fishing at ye ness of Chanrie. Then John Du sd 'anie that puts me in question, let him follow and let his hands bear witness of his affection to his cheife,' but John Reoch said that he would not goe to ye ness, that he would stay qr his m^r gave him command to stay. John Du went to ye ness qr he fought so manfullie w^t anger and rage that he was shot throw ye coat of mailzie yet never knew himself hurt till he came of service. Ther was one w^t him called Kenneth na saidh³ qlk name he gott that same day for his good shooting for he never shott ane arrow y^t day y^t missed the bodie of some of his enemies, and shot his bagfull. At last John Du wes releived be Robert Graham⁴ Archdean of Ros that first came to his releife w^t some oy^rs that affected the M'Kenzies more then ye Monro's of ye townsmen of Chanrie; in this conflict ther wes twentie sex of ye Monros killed and but 2 comon souldiers of ye M'Kenzies and John Du m'Rorie and Kynnach ni saidh

¹ Balquhine.

² According to Lord Cromartie 'of Logies family.'

³ Of the arrow (sagitta).

⁴ *à quo* the Grahams of Drynie.

deadlie wounded but both of them lived aftwards for ane verie good use to yr master. After that skirmish the Monros were never able to keep out ye Castle, but delivered it to M'Kenzie at his return from Ed^r for he had gotten all order of law agt. them.

It is sd that Foulis thought good, that Miltoun had gotten such a fall for yr ambition wes such that none of them could abide ye oy^rs greatnes.

The year 1597 ther fell out again some accident betwixt ye M'Kenzies and ye Monros in maner aft.men^onat. John M'Gillichallum the laird of Rasay's broy^r did still vex ye land of Torridon then belonging to the Baynes alledging that Tulloch promised that land to him being a chyld fostered in his house as a gift of fostering, but Tulloch dying left the land to his 2d son Alister moire m'Conchie ve Alister. Alister moire having gott ye lawes agt. John M'Gillichallum eame prepared in men and armes having all ye Baynes and part of ye Monro's wt him to Candlesmas mercat at Laggievriid.¹ John M'Gillichallum not knowing ye lawes and being in no fear of his life was sitting in a merchant's chopp buying some comoditie, Alister more came w^t his traine and most basly kiled him, striking him w^t a two handed sword in ye head w^tout giving him ye least advertisement, John m'wurchie ve W^m a verie active gentleman of ye shiel wurchie Reoch² standing by asked qo durst putt hand in M'Kenzies blood (M'Kenzie's daughter being John M'Gillichallum's moy^r). No sooner had he spoken but he wes strack throw ye bodie behind his back so that thir two gentlemen qo were known to be so active of ye hands as anie two gentlemen ye Highlands of Scotland could affoord died w^tout fighting on stroack. No sooner went ye Alarm of y^r death throw ye mercat but ye Baynes and ye Monroes began to flie in a confusion. The Monroes flying to ye ferrie of ffoulis and ye Baynes to ye

¹ Logie Bhrid, *i.e.* St. Bride's Logie at Conon. There are various places of that name, notably one in Strath Ord in Perthshire. Perhaps some expert in Highland topography may be able to say whether the Conon Logie Bride is the Lagebread where Sir Alexander of Loch Alsh was defeated (*vide* vol. i. p. 49).

² Siol Mhurchai riabhaich, *i.e.* the race of brindled Murdoch.

hills so yt [those who were] pleased to persew wist not qm to kill, but killed those they saw flicieing. John Du m'Chinnich ve wurchie and John Gald m'ffinla dui coming to ye mercat from ehanrie and hearing qt wes done in ye mercat killed 13 of ye Monro's betwixt ye Laggie and Mulchaich. Now all ye countrey wes in ane up roare so that Alister more wes necessitat to hide himself in ane old kilne [at] Loggie, his men were killed qrever they were seen. Ther wes two of them miserablie killed at ye foord of Inellich 4 myles from ye mercat be Lewes men y^t were coming to ye faire, qo sceing them flie desired them stay and to show ye reason of y^r flying, qlk they refusing made both parties fall to ill words and from y^t to blowes so y^t twa of ye fliers were killed.

M'Kenzie had gotten ye lawes agt. them for killing his own good kinsmen, were not John Du m'Chynnich ve wurchie (w^tout anie c̃mission) had burnt ye lands of Lemlaire. At last the Baynes submitted themselves to M'Kenzie and ye Monro's were reconciled w^t him be ye mediation of freinds. This happened aft. Collin's death in ye beginning of his sone's time qo wes much vexed w^t the Baynes befor they came to submitt themselves.¹

This Collin M'Kenzie of Kintail was a tender feeble man but wise and judicious and had much trowble in his tyme w^t the feud of neighbours agt. qm he had alwayes the lawes of ye countrey and his broy^r Rorie moire still acted in ye feilds and putt ye law in executione. He married the Laird of Grant's daughter qo wes moy^r to the Lord Kenneth that succeeded him, to S^r Rorie m'Kenzie Cogiach,² to Mr. Collin M'Kenzie of Kinnoek to Mr Alex^r M'Kenzie of Culcowie and to Murdo M'Kenzie of Kerin-

¹ It is well worth while to read another account of this fight given in *The Wardlaw MS.* (Scot. Hist. Soc., xlvii. p. 230). It happened at the Candlemas fair, and the aggressor, according to the Rev. James Fraser, was John M'Gillichallum, 'a vile, flagitious proflagat fellow and ravageing robber, picking quarrells with all men every quhere, frequented marcats of purpose to defloure mens wives and take advantage of poor chapmen and merchants, pillaging and robbing their shops and packs without resistance.'

² Sir Rorie Mackenzie of Coigach, tutor of Kintail, grandfather of the first Earl of Cromartie

saick. He had also a ñfall son that wes called Alex^r M'Kenzie of Coull¹ gotten w^t Rorie M'Kenzie of Davach maluack's daughter. He had 3 daughters w^t Grant's daughter qrof one married the Lord Lovat, anoy^r ye Ld of M'Lean and the 3rd Donald Gorme moire m'donald of Slait qo died w^tout succession. This Collin died in his broy^rs house at Red Castle ye 14 of June 1594 and was buried w^t his fay^r at Beawlie.

The 13th Laird of this familie was called Kenneth qo wes made Lord Kintail the year [1609]. This Kenneth made ane end of ye trowbles w^t Glengarrie qch begann in his fay^r's time, and therfor I will here sett down so much as I have heard of ye ocession of these trowbles. M'Kenzie having ye po^{ne} of a part of Lochalsh and LochCarron and Glengarrie having ye po^{ne} of ye oy^r part y^{of} Glengarrie's freinds did some and qrtter on both parties tenants qlk ye m'Kenzies took in ill part y^t y^r tennents should be so abused. Neiy^r did Glengarrie's own tennents take in good part that they were so much wronged be y^r m^r and his freinds seeing M'Kenzie did not use his tennents and y^r neighbours in ye like manner. The matter being thus it fell out that Duncan M'Ewin ve Conehie was still trowbling ye forrest of Glasletter² qlk belonged to Garloch by a continowall killing of ye deere yrof, till on day that Garloches fforresters mett him in ye fforrest and he not being willing to deliver his armes, they killed him qlk they never told being off putt to y^r tryall till ye bones of the man was found qr they putt him. The fforresters' names was ffinla du mcean ve Conill woire³ and Donald m'ean Lea.⁴ Glengarrie and his people suspecting that it had been ffinla du m'ean ve Conill woire y^t killed Duncan M'Ewin they came w^t a partie to InshLochail in Glenstreffarrir qlk rowme did then belong to Rorie Moire M'Kenzie of Redeastle and killed Duncan m'Conill woire plewghing

¹ From whom Ian Mollach, the writer of this history, is descended.

² Glencannich, acquired by The Chisholm in the seventeenth century.

³ Fionnla dubh Mac Iain mhic Dhomhnuill mhoir, *i.e.* Black Finlay, son of John, son of big Donald.

⁴ Domhnull Mac Iain leithe, *i.e.* Donald, son of grey John.

at his own pleugh, he suspecting no danger. Rorie moire, hearing that his tennent wes killed, did send for redress to Glengarrie, qk was not given him, qrupon he resolves not to bide anie longer slaverie of this people ffor he thought it just time to revenge his tennent's death and ye injurie done to his broyr^r's tenments in Loehalshe and Loeharron ; and ye better to aet his inten^one, he sends for Dougall M'Kenzie yn living in Apleeross to plott w^t him how to get amends of Glengarrie and his freinds ; Dougall promised that he would trayne Glengarrie from ye Stroim to Kissearn to meit w^t him, the day of yr meeting that he would aeqwaint Rorie moire ther w^t.

No sooner came Dougall home but he sent word to Glengarrie that he had some bussines of eonsequence to impart to him and that he would wish that Glengarrie would meet w^t him suh a day at Sonaehan in Kissern ; to qch Glengarrie condessended. Imediatlie Dougall informed Rorie moire of ye day, qk made Rorie moire come seerettlie to Loehbroom and took from thence a partie of his freinds and Colts¹ the Clanallan, w^t all he advertised part of ye clan can woire in Loeharron such as Do^d m'can ve ean and Angus m'Eehin, Donald m'ean ve ean being maried w^t Glengarrie's sister (but Allan m'Conehie's daughter was his moy^r) And he and Angus m'Eehin [held] po^ones of Glengarrie, yet they hated his maner of living, for he did putt away his law^l wife (Grant's sister) and took the captain of Clan Ronald's daughter, and keeped such rangall, sorning on ye comones that they ray^r be dead then live in such slaverie as they suffered from him and his freinds. Glengarrie coming to meet w^t Dougall eame be boat and earied his ladie or concubin w^t him to ye place of meeting. After a freindlie discourse they parted, Dougall sd to Glengarrie that it wes a shame to him to goe be boat for walking two miles a foot ; so that he sent his unlaw^l ladie and traine of seallag moires be boat and himself and his traine of seallag moires and gentlemen went a foot qr Rorie Moire and his

¹ His foster kin ; from 'comh-dhalta,' a foster brother ; 'coimh,' a prefix indicating mutuality, and 'dalta,' a foster child.

trayne mett him half way at a place called Glaeknagijllin ¹ qr he tooke Glengarric prissoner and let never ane of his followers escape w^t life. Donald m'ean v'ean and Angus m'Echin went from that skirmish and killed in Delmairtin and Arineachtaick Glengarric's three uncles Gorry, Roric, and Donald, w^t y^r followers; this Roric moire did unknowen to his broy^r M'Kenzie or to anie that belonged to him excepting those that were w^t him. He wes counselled be Donald m'ean v'ean to dispatch Glengarric, but he would not, but he sent him secretlie to Lochbroom qr he kepted him unknowen to anie man, but his keepers in the blacklin in ye Brea of Lochbroom 18 weeks till he gave securitie that he would never persew nather legallie nor illegallie anie thing that had befallen him ²; nay^r did he for ye space of 17 years or this accident befell in ye year 1580, but in ye year 1597 the children of these that were killed at Delmartin and Arineachtaick came to perfyt age such as Alister m'Gorry and Ronald m'Roric ³ qo came in revenge of y^r fay^rs on ane onsett to Torridon and burnt John Oig m'Inis ve Echin w^t his whole familie sleeping in his own house.

Redress being sought freindlie of Glengarric, he did ray^r second them than crush them being much encouraged be his own son Angus qo now also came to perfect age, and they taking ye opportunitie of M'Kenzie's absence (he being at his travels in ffrance) they gave misinforma^one to ye state of M'Kenzie in his absence so as M'Kenzie wes charged at the peere of Leith ⁴ to appear such a day under ye paine of fforfaulture, qlk moved Mr. John M'Kenzie of Tollie parson of Dinga^{ll} to travel to france and bring his Cheife agt. ye day of compearance; he only came to Ed^r

¹ Glaic-nan-Gillean.

² As a matter of fact Glengarry complained to the Privy Council. See *Privy Council Register*, vol. iii. pp. 505, 533, 541. Colin Mackenzie of Kintail, Roderick Mackenzie of Auchterfaillie, and others got a remission for their conduct.

³ Sons of Gorrie and Roric, Glengarry's uncles, whose murder is mentioned above.

⁴ The edictal citation of persons furth of Scotland at the Market Cross of Edinburgh and shore and pier of Leith was abolished by the Judicature Act of 1825.

the night befor, and having advised w^t his freinds, he kepted the diet unexpectedlie befor the Counsell. In ye mean time Alister M^cGorrie and Ronald m^cRorie made anoy^r onsett to ye Brea of Kissern and killed a gentleman of ye familie of Davachmaluaek called Donald m^cChynnich ve Alister sleeping in his bed, qse bloodie shirt Mr. John M^cKenzie presented that day at Ed^r. Glengarrie could prove nothing agt. M^cKenzie done in his time, but Mr. John proved Glengarrie to have been ye instrument of both this murders; Liekwayes he proved him to be a worshipper of St. Coan,¹ qlk image was aft. ward brought to Ed^r and burnt at ye Cross.² Also he gave in

¹ St. Congan or St. Coan was the Patron of Lochalsh, where a church was erected in his honour by his nephew St. Fillan.

² Similarly the Presbytery of Inverness having discovered in 1643 that 'there was in the Paroch of Dunlichitie ane idolatrous image, called St. Finane, keipit in a private house obscurely,' had it seized and burned at the Market Cross (*Inverness and Dingwall Presbytery Records*, Scot. Hist. Soc., vol. xxvi. pp. xxxvi. and 1). The attitude of the Knoxian Reformers is thus stated by one whose intimate knowledge of the times must be admitted even by those who respectfully dissent from some of his opinions. 'It may be frankly acknowledged that the Scottish Reformers heartily approved of and encouraged the destruction of altars, images, and service books; and in this they were by no means singular. They were only following the example which had been set in several of the continental countries and also in England. . . . Lovers of art may have good cause to regret the loss of priceless treasures, but the Reformers would have been culpable had they on that score spared images and altars which they knew well had been the means of fostering idolatry. When immortal souls are in the balance with works of art, no Christian can hesitate as to which should be preferred' (*The Reformation in Scotland*, pp. 314-315). And again: 'It ought not to be forgotten that the ruthless destruction of altars and images, of vestments and relics, gave sincere satisfaction to genuine Christian men like Murdoch Nisbet, who took part in it' (*ibid.*, p. 427). Finally, 'Eloquent evidence of the contempt and detestation with which the images were then regarded was furnished a few years ago by the discovery of fragments of several of them in the latrine of the Priory of St. Andrews' (*ibid.*, p. 368, footnote 3). After this, Pitscotties' account (vol. ii. pp. 83-84) of the almost incredible beastliness with which a humble enthusiast treated the dead body of Cardinal Beaton hardly requires corroboration.

It must be pointed out, however, that even if Dr. Hay Fleming's reasoning be accepted as explaining the action of Knox and his associates, it hardly extenuates the outrages perpetrated in 1640 in Aberdeen Cathedral (*vide post*, p. 66, note), or the destruction of the ancient Ruthwell Cross two years later in obedience to a special act of the General Assembly holden at St. Andrews on July 27, 1642 (*Records of the Kirk of Scotland*, i. p. 333).

Professor Hume Brown's view is (*John Knox*, ii. p. 8) that 'In almost every

agt. him y^t he lived ane extor^oner and oppressor sorning on his own comones and ye comones of others; and that he still lived in Adulterie; qlk moved Glengarrie to steal from ye place of justice and take him to ye hills, qrupon he wes proclaimed rebel, and M'Kenzie got the lawes agt. him.

Mackenzie also bought a comprising qlk the Laird of Grant had agt. him for being accessorie to the burning and harrieing of Wrqwhart in companie of Ewin m'Allan Captain of ye Clan Chameron; Angus m'Donald, Glengarrie's son, being of a restles spirit came under silence of night to Kintaill and burnt ye Croy of Kintail and took a hership of coves away and putt some women and children to ye sword. In revenge yrof M'Kenzie raised all his followers and took 300 coves of his own out of Straithbran to be loan to his armie qlk consisted of 700 men qrof Alex^r Ros of Inverharron comanded nine score that came from Belnagawne. John Gordon of Embo comanded sex score that came from Sutherland, but he reteired in Monar having growen fant hearted befor he saw ane enemie. Andrew Monro of Teanowar¹ wes in his companie at this voyadge and at manic oy^r voyadges.

M'Kenzie marched forward the length of Morar, and spoiled and wasted all Morar and caried home a great boottie of coves and horses qlk he distributed most noblie amongst ye strangers, in so much that John Gordon of Embo wes at his repentance for his returning home. At this expedi^on to Morar, Alex^r M'Kenzie of Coul being sent from ye camp to ye hills to drive in goods w^t a partie of sex score chosen men that he had still w^t him going on everie onsett, after as he conveened ye goods he had ane hott skirmish w^t ye inhabitants of Morar stryving to

country where Protestantism had appeared—in England, in France, in Switzerland, in Holland—the same frenzy of destruction regularly appeared among the lower sections of the populace.' It would, however, seem that in Scotland at least this 'frenzy of destruction' was not confined to the lower orders (*vide post*, p. 66, note), and that it only grew more violent with the lapse of time. For this, however, Knox can hardly be held responsible. He seems, it is true, to have suffered from a species of monomania with regard to the Mass, but it never resulted in that lust for blood which characterised the theocracy of Melville and his successors.

¹ Now Novar.

hinder him in a strait pass that he had the goods to drive throw, and he himself having gotten the pass befor anie of his companie, and killing ane of ye inhabitants in ye pass, John Du m'Chynnich ve wurchie being ye nixt that came up of his companie offered to shoot him saying that it was presumption in him to be so forward as to kill men befor his men eame up to him with all saying that he loved not a captain that was swifter yⁿ his shouldiers in respect that if he were killed befor ye shouldiers came up, that ye shouldiers might be overthrowen for laick of a captain and if they were putt to a retreat he wished his cap^t not to have more speed then his shouldiers. At last they wan ye pass and caried ye goods throw w^t ye loss of 16 of ye inhabitants.

Before this voyage to Morar M'Kenzie had putt all Glengarrie people from ye po^one of anie part of Lochalsh and Lochearon excepting ye Strome Castle. Such of ye inhabitants as submitted to himself he would cause them try ther hand in the encmie's blood before he gave them anie trust.

Alister M'Gorrie and Ronald M'Rorie ¹ two spe^{all} com^{an}ders of Glengarrie's kin made ane onsett to Kenlochu qr they mett a part of ye women and children of Lochcarron w^t some few of Lochcarron men that were convoying ther goods from ye encmie. They came to ym verie timous, they suspecting no danger. They put manie of ye women w^t all ye male children to ye sword and houghed ye goods qr they fand them knowing themselves not able to carie them alongs w^t them.

Alister m'Gorrie made anoy^r journey to Aplecross qlk was spared be all his name as a sanctwarie ² and he, hearing

¹ See *ante*, p. 39, note 3.

² The Gaelic name for 'Applecross' is *A'Chomraich*, the sanctuary. A great religious house was founded there in the seventh century by S. Maelrubha, whose name still survives in different forms connected with various places, of which the best known is possibly Loch Maree. Among the 'maine enormities' which distressed the Presbytery of Dingwall in 1656 was the reverence still paid to his memory in the districts where he had laboured (*Inverness and Dingwall Presbytery Records*, Scot. Hist. Soc., vol. xxiv. pp. xxxiii. 279-272, and Dr. Mackay's notes).

that oyr inhabitants came to it as a refuge he came, contrarie to ye opinion of all his freinds to it, and killed two Kintail men that stayed in a point of ye sea w^t y^r goods, qlk goods he killed also and caried them w^t him in his boat.

Wⁱⁿ ten dayes y^raft, all ye surname of Clanronald both ye Shiel Allen and ye Shiel Donald m'Ronald gathered together to ye number of 37 boats and great galayes. They intended as they thought to sail about to Lochbroome and never to rest of burning and harricing M'Kenzie's land till they came to Chanrie; they came the length of Lochalsh to ane arme of ye sea that lieth beside Kylaukin. They sent Alister m'Gorrie to wiew ye coast before them w^t his great galay, being accompanied w^t 4 score men and landed in Aplecross in that same verie point that he killed ye goods befor, Mackenzie happening at ye time of y^r prepara^one he sent Alex^r M'Kenzie of Aehiltie in ane eight oared boat of John Holmieh m'Rorie ve Allan's aecompanied w^t sixteen Gentlemen and 8 seallag moires to wiew ye coast qr be chance they landed in ane arme of ye sea that came to ye neck of the point qr Alister m'Gorrie wes resting himself, qr they mett a poor woman gathering shell fish in ye ebb sea qo told them that Alister M'Gorrie w^t a great galay was in ye nixt point qlk qn they understood they sent ther seallag moires about ye point w^t y^r boat and marched themselves ye short cutt be land. The first they mett w^t was Alister m'Gorrie's sentrie found sleeping on ane hill; ilk one of ye companie stobbed ye sentrie w^t his durk, imediatlie they ran to M'Gorrie's leagwer causing ther pyper bend up a great pipe. M'Gorrie's men took such alarm that they all ran to ther boat excepting himself qo had formerlie given ane oath yt he would never goe to his boat and his back to hisemie. He made to a Roek that wes in ye point to be a hold to his back, and in ye turn he wes shott w^t ane arrow be Död m'W^m Chalich¹; when he gott to ye craig he putt his targe on his hand and defended himself agt. all ther arrowes qlk qn John Du m'Chynnich ve wurchie

¹ Donald M'William Chalich.

perceaved his abilitie and thinking long that he kepted them unfollowing ye Galay, he went above ye rock and took a great lift of a stane and strack him in ye head till he fell dead to ye ground. Thus the most valiant of all his name (if he had witt to guide his courage) died in that verie place qr he had formerlie slashed ye coves that made a refuge of comerich, for comerich in Irish is a sanetuarie. No sooner had they left him dead but they persewed the galay w^t sayling and rowing and qn they were near come to the coast of Lochalsh, John Holmich spyed one on putting his arrow bagg on ye end of his bow qlk presentlie he knew to be a sign to more companie; he desired his own companie to turn back, that they would be presentlie persewed qlk no sooner they did but they spyed everie boat of 37 boats following them, they asked John Holmich qt to doe; he desired to take ye main sea, oys desired to goe to land, qlk they did seeing the enemies boats goe betwixt ym and ye main sea. But qn they reteired to ye main land they perceived then that they had scarce time to quite y^r own boat qn the boats wes ashoare; then they were forced to take ye hills qr ye enemy persewed them. But John M'Rorie ve Curchie on of ye Matthewsones being acquaint in Aplecross led m'Kenzie's men over a foord that was on a water y^t went between two rocks qlk foord ye enemy did not find qlk forced them to reteire. Alex^r M'Kenzie of Achiltie (tho' oy^r wayes a verie prettie man) was so heavie that he was not able to bear up w^t his companie qrupon John Du M'Chynnich drew his sword and wowed to kill him befor the enemy would have to say that they killed him. At last be throwing of cold water upon him y^r caried him w^t them.

No sooner did the enemy find Alister M'Gorrie dead but all ther bragging turned to lamenta^one. They took it for such ane ominous mischainece that all of them reteired home and disbanded.

When M'Kenzie gott notice that they were disbanded, he took journey to Mull to visit his cousin M'Lean qo wes his speecall freind in overthrowing ye M'Donalds of Kintyre and Ila that they durst not come to help Glengarrie.

But qn Angus M'Donald, Glengarrie's son, knew that M'Kenzie wes in Mull, he took ye opportunitie of his absence and gathered all his followers, and came sceretlie be boats to Lochcarron qr he landed in ye Dead time of ye night and led a p^{tie} to everie town in Lochcarron qr he killed all those he fand wⁱⁿ houses excepting such qse extraordinarie manhood brought them away, he spoyled all the countrey and took all the cowes he could fand and began to kill them in ye Isle of Strinbary.¹ Advertis^ñit wes sent to Kintail and Lochalsh qo gathered as fast as they could but he had his boats loadned before they came.

After they given him a flight of Arrowes he took ye sea and they wanting boats could not follow, but part of them went afoot to ye Kyle oy^rs made straight for Ilandonnan qr they got a ten oared boat and a four oared boat, M'Kenzie's ladie caricing to them arrowes and amunitione w^t her own hands. They rowed to ye Kyle most boldlie, having no Chiftan but, ilk one striving qo would act more for his m^r's credit and fer ye eountreyes defence; they came to ye Kyle aft. the night had fallen, when they spyed the first boat of Glengarrie's boats they resolved to let her pass w^t out challeng, thinking that boat had come to try ye feilds befor the rest; qlk fell out according to y^r expecta^one. When Glengarrie perceaved that ye first boat rowed w^tout challeng he followed nixt himself in his long boat of 32 oares laidned w^t men and spoyl qlk qn they perceaved they rowed calmlie to meet him and he challenging them in asking who were ther, they ansred 'We are all Clanavich alike,' w^t that giving them balls and arrowes alike at qeh they took such alarm, the elowds overshaddowing the moon made a dark shaddow on ye sea so as they thought it had been shoar and gott all to ye forend of the boat qlk made ye boat to sink; when ye M'Kenzies saw the boat sink they sent y^r little boat ashoare lest anie should make y^r escape to land, and ye Kintail men had the killing of them like selches. At last

¹ Slumbay.

X *Clann Robertson*

they killed Glengarric's son and all those that were in that great boat w^t him ; the rest of ye boats qn they hard the Alarm retereid to Strathordell, and left ther boats from qnce they went afoot and took boats from the Isles to Morar.

When they knew yr chiftan wes dead w^t ye last of his companie, they gather all together to ane Isle y^t wes in ye way that ye Lord Kintail wes to come by in his return from Mull. They were but one night in ye Ile qn ye Lord Kintail came timous ye nixt morning in sight of ye Isle being ebb sea and yr boats all ebbed. Capt. Kerinborick¹ qo commanded M'Lean's great boat (in qch ye Lord Kintail wes) perceiving all þher boats ashoare knew it to be yeemie, qlk made him use his stratagem. He made straight for ye Isle and caused draw down his sailes, but had attenders to draw y^m up qn he pleased. He steired and rowed to ye Isle as if he intended to goe ashore qlk qn yeemie perceived, they expected yr pray was in yr hands and began to hide themselves wⁱⁿ rocks in ye Isle that none of them might be seen to hinder his coming ashoare.

But qn ye boat had rowed to ye shore Captain Kerniborick steired about and caused heise up his sailes, and or ever yeemie could get out ye boats he was two part furth from ym, so yt ther wes nothing left ym for yr expected pray but weeping and Lamenta^one.

When M'Kenzie came to ye kyle he spyed a number of dead corps that ye rage of ye sea had casten a shoare qlk made him to think seing hisemie together a little befor that it wes his own countrey men that were killed yr. He had in his companie two of Glengarric's natives qo had quat Glengarric and submitted to him, and qo were acquaint w^t both ye countrey people such as Ro^t M'Conil Chire and W^m M'Conchie ve can Voire, qm he desired to goe ashoare and see qo they were that were dead. No sooner were they ashoare but he espyed them strick yr hands upon yr breasts making great Lamenta^one.

¹ The captain of Cairnburg Castle, on the west of Mull (vide *Highland Papers*, vol. i. p. 78).

'Praised be God' saith Kintail, 'It is not for my countrey men yow make such lamentatione. I am confident that God has been favourable to my countrey men in giving them a pleasant victory.' When Ro^t reteired to ye boat Kintail asked qt newes, 'My Lord' saith he, 'Good newes to yo^r Lo^p. Ther is manie a brave fellow of yo^r enemies dead in yonder place and not so much as anie of yo^r Lo^p countrey men amongst them.'

Imediatlie they sail away to Ellandonnan qr the Lord Kintail was no sooner landed but he mett his countrey men reteiring from ye buriall of young Glengarrie qm they buried in the verie door of ye kirk of Kintail as a testimonie that they might trample over his bodie qn ever they went to Church; but ye Lord Kintail wes offended that they did not burie him w^t his predecessors. He was the most resolute man of his name, his father would often have settled w^t M'Kenzie, but during his lifetime he could never settle, for his spirit was only given to warre.

Shortlie aft. M'Kenzie's return from Mull he beseedged ye Castle of Stroim and used manie ingines in wining of it. The beseedged had ane response in qch they beleaved [viz.] that ye castle of Stroim would never be rendered till Rorie moire were at ye seidge qlk qn Rorie moire heard he came to ye seidge, but yr ruine was y^t God had a contraversie agt. ym y^t hindered ym from doing any thing rightlie, ffor amongst all yr mischances the day befor M'Kenzie wes to raise ye seidge for a time; ther women that were carieing water from ye well y^t wes at ye yet did cast ye water in amongst ye barrels of powder qlk raised a great clamour amongst ym; one of ye Lord Kintailles men being prissoner w^tin lap from ye wall head of ye castle to ye middin yt wes at ye yet and told his m^r ye condi^one of ye house; the man's name was Dunean m'ean ve Gillichallum, a Kintail man qo caused M'Kenzie continow ye seidge. The beseidged knowing that M'Kenzie gott notice of q^t had befallen ye house and hearing that Rorie Moire wes at ye seidge they rendered upon condi^on to let ym pass w^t y^r lives to Glengarrie.

At this seidge Andrew Monro of Teanowar¹ was wounded w^t a shott of a ball that came from ye castle to ye Lord Kintailles camp. Ther were two comone shouldiers killed at ye seidge, one of ym wes John m'Gillean Kenneth Gald that lived in Kenloehow's fay^r, he was called Gald because ye Lord Kintail had brought him up in his own house aft. his fay^r had died in his service, ffor it wes ye custome to reward ye widdowes and children of such as died in his service, and that most libberallie, in so much that his shouldiers became almost desperat in his service, knowing y^r successors would be so noblie rewarded.

After deliverie of ye castle he caused blow it up w^t powder in ye aire q^rbe it might no more breid a contraversione or a defence to anie man.

After this Allan M'Ronald of Lundie made ane onsett to the Brea of Ros and burnt ye lands of Kilehrest² w^t some oyr adjacent lands q^lk moved ye Lord Kintail to send out two severall p^ties to find out ye enemy; one of y^m commanded be Murdo M'Kenzie of Redcastle anoy^r be Alex^r M'Kenzie of Coull. Redcastle went to Invernes and ye length of Strathharrick q^r he mett in Torbreak w^t Ronald M'Rorie qo wes drinking in ane ale house, having 36 men in his companie; the ale house lay betwixt two barnes to q^h Donald M'Chynnich piper (yr guid) hed led Redcastle privatlie. At yr first arivall yr, they sett ye house on fyre shooting everie one dead as they came forth, Ronald m'Rorie himself came last out of ye house, he sought for q^rters q^h Redcastle would have given him, but Donald m'Chynnich v^c wurehie sd yt he would gett such q^rters as himself had given to Donald M'Conchie chiel.

This Donald M'Conchie chiel was a prettie man of ye race of clannujer³ qm Ronald m'Rorie had killed aft. he took q^rters qn Angus, Glengarrie's son, came to Loch-

¹ Now Novar.

² In 1603 the Macdonalds are said to have set fire to the church and burned a large number of the MacKenzies, while Glengarry's piper played the tune still known as *Kilchrist*.

³ Clan Iver.

Clann Gair Mhathair (v. History of Mac Donalds, p. 309)

carron; Ronald m'Rorie finding that yr wes no qrters for him he came out of ye house; Donald M'Chynnich gave such a race aft. him that he wan so near him that he could not draw his bow to shoot him but strack him in ye shouldier w^t y^e bow qrw^t he brack ye bow and strack him flat to ye ground and befor he could get up he stabbed him w^t his durk. Of all these that were in this compame none escaped w^t life but one good fellow y^t came out at ye house topp and becaine to quench the house saying 'yow M'Kenzies though yow have a quarrel agt. ye Clanronald yow have none agt. me nor agt. my master that yow burn my house,' with qch words he went free as if he had been ye m^r of ye house.

The partie that was commanded be Alex^r Mackenzie of Coull went about be Wrq^rt¹ and Glenmoristoun qr they mett w^t Allan M'Ronald of Lundie in a burn called Auld Sei² qr they fought and skirmished so long till at last Allan and his partie were routed so as ther was never one left alive of ym but Allan himself qo escaped naked w^tout cloathes or armes be a loup yt he gave desperatlie over a most illfavoured lyn qlk he nor no man oy^r did never befor nor aftwards; Allan being asked yraft. how he got such a loup done ansred that he knew not how it came to pass, that providence had brought him throw, and he would choose ray^r to die yn try it again tho' he were putt to such necessitie.

Ther were manie more skirmishes betwixt Glengarric and M'Kenzie but to conclude Glengarric wes necessitat to take his peace w^t ye loss and qwiting of his part of Lochalsh and Lochcarron. Yet though M'Kenzie had a comprysing agt. his estate and ye lawes of ye na^one to back qt he did agt. him qn he came and submitted himself to M'Kenzie he gave him two thousand mks for making a perfyt dispo^one of y^t lands qch he law^{le} conqweist of him.

The Lord Kintail wes not well qwite of Glengarric's trowbles qn he fell in ye nixt trowble in conquishing the

¹ Glen Urquhart.

² Allt-Giubhais. The place is still known as Leum a' Cheannachie. For the whole story see Mackay's *Urquhart and Glenmoriston*, pp. 128 *et seq.*

Lewes; and ye better to inform ye reader how ye Lewes came to his hands I will hear sett down qt trulie I have heard befell the Shiell Torqwill¹ in ye dayes of old Rorie m'leod of the Lewes ye instrument of yr ruine.

This Rorie M'leod married to his first wife Barbara Stewart daughter to ye Lord Meffen² qo wes moy^r to Torq^{ll} yre,³ aft. her death he married y Ladie M'Ky (being M'Kenzie's daughter) she wes moy^r to Torqwill Connanach.⁴

M'Kenzie's daughter was takin away from him be his own kinsman John M'Gillichallum the laird of Rasay qo wes agnamed John nitwoie,⁵ that is John w^t ye halbart. He kepted her five years in Cogiach and had ane daughter w^t her that was married w^t Alister Roy M'Eehin: afterward Rorie M'leod killed this John nitwoy w^t almost ye whole familie of Shiel ve Gillichallum of ye familie of Rasay and Garloch most treacherouslie being his speallest kinsmen; he did invite them all to meet him in ye Ile of Isay⁶ qr he (as he allēt⁷) had some bussines of consequence to consult w^t ym. After ther coming he feasted ym wt wine and such oy^r things as he had prepared for yr destruction; after he had ended ye feast he caused call for ilk ane of ym sēallie and everie one yt entered ye house was apprehended and sticked so that ther was none left alive of y^t whole familie but a chyld of nine years of age y^t wes a fostering. When ye newes of ye murder of his

¹ For the reputation of the Siol Torquil or Macleods of Lewis see *The Wardlaw MS.* (Scot. Hist. Soc., vol. xlvii.), pp. 41 and 42, and notes. Also *post*, p. 265, note 1.

² Mr. Gregory shows that Rorie's first wife was Janet Mackenzie, and that he married Barbara Stewart in 1541 (*History*, p. 210). She was the daughter of Andrew Stewart, Lord Avandale, sister of Henry, Lord Methven, and widow of Sir James Sinclair.

³ The Gaelic 'Oighre' = heir.

⁴ She is said to have been a natural daughter of John Mackenzie of Kintail, but is not mentioned in the article 'Reay' in the *Scots Peerage*, vol. vii. Rorie denied that he was the father of Torquil Connanach, whom he alleged to be the result of an adulterous intrigue between Janet Mackenzie and the Brieve of the Lewis. A very curious document bearing on this matter is printed, *post*, p. 280.

⁵ na-Tuaighe.

⁶ Isay, a little island at the entrance to Loch Dunvegan.

⁷ Alleged.

fay^r, uncle, breyren and whole race of Shiell ve Gillichallum wes divulged abroad a gentleman of ye countrey of Rasay took him and caried him secretlie to ye Laird of Calder qo kepted him during his minoritie. There wes also a young man of ye familie of Garloch left alive qo wes M'Leod's own sister son. He wes w^t ye rest of his breyren that were elder then himself gottin w^t M'Kenzie's daughter; M'Leod brought him aside from ye rest, he being walking w^t his uncle he heard ye erie of one of his broy^r's q^t he sd he to his uncle 'yon is ye erie of my broy^r.' His uncle desired him to hold his peace that yon erie wes to make him laird of Garloch; yat yon wes ye son of M'Kenzie's daughter, that he wes ye son of M'Leod's daughter.

The young man for fear of his life wes silent but aft. ward he did qt he could to revenge his broy^r's and kinsfolk's death on ye murderers, and indeed this wes ye first stepp that Hector Roy M'Kenzie gott in ye po^one of Garloch to revenge his nephewes they being his sister bairnes yt were murdered in ye Isle of Isay. He brought a partie of men out of Kintail and took a great herdship out of Garloch. The Shiel ve Gillichallum followed. Ther is a fight at a place called Bellach Caslead; at last the Shiel ve Gillichallum are beat, and Hector caried away ye hership. When his nephewes were alive his broy^r in law had given him the custodie of the rights of Garloch, but qn his nephewes were murdered he took a new gift of them in his own person. After manie skirmishes w^t ye Shiel ve Gillichallum they were content to let him have two part and themselves to posses the 3d in peace qlk they did; Hector's great grandchild putt them from anie po^one in Garloch.

This young man of the familie of Garloch that was left alive aft. the murder possessed himself w^t Rasay thinking none to be alive of ye familie of Rasay qlk qn Donald M'Neil ye gentleman that caried away ye aire of Rasay to Caddell saw that the aire of Garloch took po^one in Rasay he went to Rasay and caried the aire of Rasay Gillichallum Garve privatlie to Rasay qr he had him till the sd Donald M'Neil gott time of ye sp^eall keeper that

ye aire of Garloch left in ye castle of Rasay qo promised to Donald (qn he informed him that he had the righteous aire of Rasay) to leave ane entrie open in ye castle, that Donald M'Neil and his master might enter to possess ye castle ; but Donald M'Neil did not bring his m^r but went himself, and qn he m^red all the keepers he sent for his m^r Gillichallum Garve and cryed him Laird of Rasay. This Gillichallum Garve married Issabel M'Kenzie n^rall daughter to Kenneth M'Kenzie of Kintail (agnamed Kynnach na curik¹). She was moy^r to Gillichallum Oig that was killed in ye ship be Garloch men and to John M'Gillichallum that was killed in Laggan vrijd.² And seing I have told you alreadie how John wes killed I will now show how ye elder broy^r wes killed.

In the year of God 1610 Alex^r M'Kenzie yn appearant Laird of Garloch did skirmish w^t ye slight v^c Gillichallum of Garloch in a place in Glentorridan called Lochandir qr he took prissoner John m'Allan v^c Rorie, cheassed John Holmich m'Rorie and killed 17 or 18 of yr followers.

In the next year y^raft. Murdo Mackenzie, this Alex^r's broy^r accompanied w^t Alex^r Bayne appearand of Tulloch w^t severall other Gentlemen of his followers went to ye Isle of Sky in a ship loadned w^t wine, as some say that he was of inten^one to apprehend John Holmich m'Rorie, oy^rs say that he went of inten^one to take Donald Du m'Rorie's daughter in mariage. Her fay^r being nixt in Lyne to John m'Allan ve Rorie that was prissoner ; but qtever his intent was the ship was drawn to east anker for nent ye Kirktoon of Rasay qr Gillichallum Oig L^d of Rasay dwelt ; he being informed that Garloch's broy^r wes y^r, he wes made agt. his will be Gillichallum moire m'Donald ve neil to goe to the ship of resolu^one to take Garloch's broy^r prissoner thinking that John m'Allan ve Rorie would be released for him. Upon qlk resolu^one he went to ye ship having this Gillichallum Moire and twelve oy^rs w^t him, he ordained Murdo Du m'Gillichallum his bastard broy^r to have all Rasay men in readines to come furth w^t small

¹ *Vide ante*, p. 33.

² St. Bride's Logie, *vide ante*, p. 35, note 1.

boats if they would hear ye alarm. When they entered ye ship he and Murdo fell to drinking in loving tearmes; 4 of Murdo's men fearing the worst kepted themselves fresh, but Alex^r Bayne and ye rest of Murdoches companie fell in drink that they went to bed under decks, Rasay being sitting on ye right hand of Murdo and Gillichallum more on his left, Rasay sd to him, 'Murdo thow art my prissoner'; Murdo hearing this starts up and taking Rasay be ye middle he threw him under him upon ye deek and sd he scorned to be his prissoner, w^t that a fellow of Rasayes strack him w^t a durk; he finding himself wounded drew back to draw his sword that he went overboord, he thinking to swim to ye coast of Seawsarie¹ he was drowned be ye small boats that were coming from Rasay; his men seing him killed resolved to sell y^r lives at ye best raite they eould, the 4 men that kepted themselves fresh fought so manfully in y^r own defence and in revenge of y^r m^r that they killed the Laird of Rasay and Gillichallum moire (the author of this mischeife) and his two sones w^t all ye rest that came to ye vessel w^t Rasay, Tulloeh's son w^t sex of Murdo's companie were killed as they were coming above deek from ye place qr they lay drunk. The 4 men had not onlie the killing of ye Laird of Rasay and his traine that came to ye vessel w^t him, but also had ye defending of ymselves and y^r vessel from the small boats y^t came from ye shoare. But they were mightilie helped be ye^e skippers in furnishing them fresh shott so long as ther provisione did last them and qn it fealled they gave ym potts pans and such oy^r comoditie as they might get to interupt ye enemies; they were all pitifullie hurt, qn they were drawing ye anker the fourth man, called Hector Oig m'Eehin v^c Chynnich anc active young Gentleman was shott w^t a cheanzie bullet from ye boats that were assailing the ship and killed: the oy^r three cutting the tow of the anker did sayl away w^t ye dead corpes of both parties and missing y^r m^r's corpes they threw Rasayes corpes and all them that were w^t him

¹ Sconsar.

out in ye sea above ye Isle of Crowling, that never one of them wes found except Gillichallum moire that wes found in Aplecross and earied to Rasay. The corpes of ye appearand of Tulloch and ye rest of ye companie they buried in Lochearron. Thir three men were made whole of y^r wounds ; John m^cEchin that died first of them lived 30 years aftwards, John m^cChynnich v^c Eaechin lived till ye year 1662 and Kenneth m^cInnis lived till ye year 1663.

I will now return to Rorie M^cleod of the Lewis and his successors. This Rorie M^cleod of ye Lewes took to wife (aft. M^cKenzie's daughter had been taken away from him) M^clean's daughter ; she was moy^r to Torqwill du m^cleod and to Tormet m^cleod ; besids this Rorie had manie bastards such as Tormat Vgaig,¹ Murdo Neil Donald and Rorie Oig, he turned at last ane outlaw y^t y^r wes no vessel he gott w^tin ye Lewes but he seased upon and took them as free gear to himself qeh much wronged the inhabitants of ye coast of ffyfe that yrafter they gott ye lawes agt. him.

His eldest son Torqwill yre² gotten w^t ye Lord Meffen's daughter, sayling from ye Lewes aecompanied w^t three score gentlemen perished betwixt ye Lewes and Troternies : After his death Torquil Conninaeh Laird of Coigach gotten w^t M^cKenzie's daughter sought to be aire but his fay^r would not acknowledge him,³ but would give his estate to Torquil du gotten upon M^clean's daughter so that ther fell out manie skirmishes betwixt ye fay^r and ye son, two of ye bastards taking part w^t Torquil Conninach such as Tormad Ugaeh and Murdo, Donald Rorie and Neil took part w^t y^r fay^r. It fell out that Donald killed his broy^r Tormet legaeh⁴ qlk occasioned Torquil Conninach being assisted be his broy^r Murdo to take Donald w^t him prissoner to the Coigach qlk more incensed his fay^r agt. him ; This Donald making his escape from Coigach came to his fay^r Rorie qo caused him presentlie to appre-

¹ Obviously a transcriber's mistake for Uigeach.

² *I.e.* the heir—Gaelic 'Oighre.'

³ *Vide post*, p. 266.

⁴ Obviously a transcriber's mistake for Uigeach.

hend his broyr Murdo qlk he did and earied him prissoner to his fayr to Stornua qlk moved Torquil Conninach to come to ye Lewes and invade ye Castle of Stornua; aft a short seidge he took it and received his broyr, w^tall he apprehended his old fayr Rorie and killed diverse of his followers; he convoyed away all his charters evidents and rights he had of ye Lewes.¹ He sent for his son John M'leod a brave Gentleman then living in ye Marquis of Huntleyes companie; he delivered his son ye Castle of Stornua w^t ye command of all ye Lewes. John being in po^one of ye Lewes and acknowledged as M^r yrof, he went about to banish his uncles Rorie and Donald from ye po^one of anie part of ye Lewes, qch qn they knew they plotted his death.

The manner was they connived w^t a race of people that lived in ye Lewes called Clan Leichnan qo gathered w^t ym till they came to a loch that is a litle to ye mouth from Stornua and they led seven severall ambushes 'twixt ye loch and Stornua. Then did they send ane of yr companie to ye castle of Stornua to inform John that ther were some swanes swiming on ye loch, that he would get a brave opportunitie to shoot ym. John being verie desirous of sport went to ye loch agt. his grandfayr's will qo desired him not to goe and apprehended that yr was a plott, he told John that never a swan did sitt on that loch; yet his destinie drawing near he would not stay but went to the loch accompanied w^t two Kenlochu men that he had still in his companie and that traitour that came to shew him of ye swanes qo led him throw all ye ambushes to ye side of ye loch qr ye first ambush did invade him, and he leaving these the 2^d 3^d and 4th did rise to him and so did all ye seven, still shooting him w^t arrowes till they killed his two men, but in spight of yr madnes himself left them to Stornua having manie arrowes in his bodie that he died imediatlie aft. his coming to ye great loss of all his freinds and utter ruin of all his name. Shortly yraft. his fayr did apprehend his broyr Donald

¹ *Vide post*, p. 267.

and execut him at Ding^{ll} in Ros. The writs and evidents that Torquil Conninach brought out of ye Lewes he gave them in custodie to MacKenzie w^tall he tailzied his right of the Lewes to Maekenzie in caiee he had no aires male procreat of his own bodie.

After ye death of John M^cLeod old Rorie m^cLeod took po^one of the Lewes, and would not againe acknowledge Torquil Conninach as his eldest son but would give his estate to Torquil du qo now come to perfect age and began to rule ye estate w^t his fay^r; but Torq. Conninach dailie skirmished w^t them being assisted w^t so manie as pleased to follow him of ye M^cKenzies, M^cKenzie himself having wars yn w^t Glengarrie. In ye mean time ther fell a discord betwixt Torquil du and Rorie Oig that was ye author of killing John m^cTorquil, Torquil du apprehended him and sent him prissoner to his uncle m^clean from quee making his escape he perished w^t snow and storm being naked, leaving behind him 3 sones, Malcolm, that killed John oig m^cean v^c wurehie ve W^m a gentleman of ye clan wurehie that dwelt in Rainmissie in ye Lewes. Afterward he made anoy^r onsett to Kenloehu and killed a prettie man John m^cConil pyper that was ye Lord Kintailes pyper, after that he went to Germanie but qn he heard that Thomas M^cKenzie of Plusearden went to Germanie he reteired from thence to Irland qr he died; his two oy^r brey^ren W^m m^cRorie were taken be the Tutor of Kintail and execut as rebels in Lochcarron.

Torquil Con. and Torq. du having y^r severall factiones, the one plotted for ye oy^rs destruction. It fortunied that as ye Breive of ye Lewes, Cheif of ye elan v^c Gillimoire¹ w^t part of his freinds and followers were sailing in a great Galay from Lewes to ye Isle of Ronay that he mett w^t a dutch ship qlk he took being ladned w^t wines; he consults w^t his freinds and followers qt were best to doe w^t ye ship, at last they agree in one voice that it were best for them

¹ Clan vic Gillimoire or Vic Gillivor, *i.e.* the Morisons or Gilmours. An interesting article on the 'Traditions of the Morrisons,' by Captain Thomas, R.N., will be found in the *Proceedings of the Society of Antiquaries of Scotland*, Feb. 11, 1878, vol. xii. pp. 503 *et seq.*

to reteire wt ye ship to Stornua to see if they could get Torquil du entised to come wⁱⁿ ye vessel as if ther intent were to deliver him ye vessel and ye wines, but yr reall intent wes qn they had gotten him wⁱⁿ ye vessel to sail w^t him and ye vessel to ye righteous aire Torq. Con. to ye Coigach, thinking yrby to have a propor^{one} of ye Lewes for yr service. Torq. du nothing mistrusting ym being formerlie obedient to his serviee entered ye ship how soon he wes desired and eommended ym as good fellowes that had brought him such a prize. But qn they had gotten him wⁱⁿ y^r ship they seated him wⁱⁿ a rounge and expecting to get wyne they bring him cordes desiring him to render himself and his wrong possest estate to his elder broy^r to qse will they would carie him, when he was forced to yeild having none w^t him but seven men they presentlie sailed to the Coigach qr Torq. Con. wes and delivered him his broy^r qm he had no sooner gotten but he caused make him shorter be ye head, in ye moneth of jullie 1597. No sooner was his head off but y^r raise ane earthqwak qch much astonished ye doers and all ye inhabitants about ym.

Now all ye neighbouring clans that were of near rela^{one} to Torquil du such as m^cConil, m^cleod, m^clean, The Capt. of Clanronald and m^cConil duie thought that Torq. Con. had not taken away his brother's head w^tout ye advice of ye Lord Kintail ; they all gathered together and condescended that they should come all at once to the Lord Kintales countrey and revenge Torquil du his death ; but ye Lord Kintail was a man of ane undaunted spirit that cared not much for bragging ffor he alone wes worth them all in action, when he heard of yr bragging he caused apprehend Tormat M^cleod ye broy^r of Torquil du and kepted him as a pledge or ane overband over his kinred and freinds w^t all he sent out a watch to gward ye borders of his country qch watch mett w^t 30 men that had come from ye Connivers to view his countrey qm ye watch putt all to ye sword in ye strath of Chuny. The Conniving Lairds hearing that he had taken Tormet M^cleod and putt yr men to ye sword, they sd ther was no

dealing w^t him that he would war ym all in dilligence, and besides M^{lean} yt wes nearest in blood to Torq. du had not will to enter in blood wt ye Lord Kintail qlk made them all to reteire home and disband knowing that all of them would be greater losers at his hands yn winners. The Breive and his men were hated of all men for betraying Torq. du that did not suspect him of anie evil, but came to ye vessel w^t him under pretence of good fellowship from him qm he expected to be his own servant. But qn ye Breiw knew himself hated he reteired to ye parish of Neece in ye Lewes qlk he was forced to leave at last be ye invasion of neil m^{leod} qo killed manie of his freinds ; at last one John m^{Donald} ve Hutcheon mett w^t ye Breive in ye cuntry of Assint qr he killed him and sex of his followers, in revenge qrof Gillichallum moire m^{ean} searched for John m^{Conill} ve Hutcheon but be chance John M^{Conill} ve Hutecheon took Gillichallum moire in Coigach and beheaded him in ye Lewes.¹

In the meantime the Barrones and Gentlemen off ffyfe hearing of ye trowbles that were in ye Lewes were entysed be the perswasion of some y^t had been ther and be ye report of the fertilitie of ye Island and being glad of the opportunitie to get a redress of y^r former losses in apprehending y^r merehts and fishers they had sent y^r in Rorie m^{leod}'s time ² a hard interpryse under pretence of civilizing ye Isle, they goe about to plant a Colonie yr and to drive away ye auntient inhabitants qrby in ye end diverse of ym lost yr own lands and all of them were forced to give it over and quite ye bargain.³

First the undertakers did purchass from ye king a gift of the Lewes the year of God 1598 qch was then allet to be at his ma^{tie}'s dispo^{ne} ; then ye adventurers mett altogether in ffife qr they assembled a companie of shouldiers

¹ *Vide post*, p. 274.

² Some interesting documents with regard to this matter are printed in the *Collectanea de rebus Albanicis*, pp. 99 *et seq.*

³ For a survey of the whole matter see Gregory, *History*, pp. 275 *et seq.*, pp. 290 *et seq.*, and p. 315, where he comments severely on the atrocious conduct of the king.

and officers of all sorts w^t everie thing they thought necessarie for a planta^one, so transporting themselves they began to build houses and scones about Stornoway; in end they made up a prettie town. Neil M'leod and Murdo M'leod now only remained in y^t iland qo w^tstood ye undertakers, Murdo M'leod apprehended the laird of Balcomñie together w^t his ship and killed all his men, and detained himself 4 monethes in captivitie, but then released him upon promise of a ransome.

Now at this verie tyme Neil M'leod fell out w^t his broy^r Murdo; Neil greived to see his broy^r maintain ye Clan ve Gillivor; heir upon Neil apprehended his broy^r Murdo w^t diverse of ye elan veGillivor qm he putt to death and reserved his broy^r Murdo alive. The adventurers understanding that Neil had taken his broy^r Murdo, they sent him word that if he would deliver his broy^r to them they would agree w^t himself and give him a por^on of the Lewes and assist him to revenge Torquil Du's death on his killers, qr unto he hearkned and delivered his brother Murdo qm they caried to St Andrewes and beheaded him. Also Neil M'leod went w^t them to Ed^r and had his pardon and reteired again w^t them to the Lewes, but shortlie yraft. he fell at variance w^t them for some injurie qeh Sr James Spence of Wormistoun offered to him qrupon he left them; then they began to lay a snare for him the Laird of Wormistoun sent furth a companie in a dark night to apprehend Neil M'leod and Donald Du m'Rorie that assisted him, but Neil being on his guard and perceiving them coming, invaded them qn they least expected, and killed threescore of ye men chassing ye rest till the were resewed from the camp.

The Lord Kintail seing the Lewes like to goe from Torquil Conninach and pitieing ye condi^on of Shiel Torquil¹ he setts at libertie Tormot M'leod the broy^r of Torquil du gotten w^t M'lean's daughter.

No sooner was Norman arived in ye Lewes but Neil M'leod, Donald du m'Rorie w^t his followers and all the

¹ The Macleod historian suggests a very different motive, *vide post*, p. 271.

native inhabitants of the Lewes came to him and acknowledged him as ther Lord and Mr. Imediatlie he invadeth ther camp, forced it, burnt ye fort, killed the most part of y^r men, took y^r commanders and released them aft. 4 monethes captivitie upon ther promise that they should again return and obtain a pardon from his ma^{tie} to Tormot and all his followers for all ther bygon offences. Thus for a while Tormet M^cLeod commanded the Lewes during qeh time John M^cCouil ve Huteheon that killed the Breeve apprehended Torq. Con. M^cLeod and caried him along to Tormot M^cLeod to ye Lewes. Tormot then desired him to deliver the writes and evidents he caried w^t him qn he apprehended his father Rorie; Torq. Con. assured that they were not in his custodie, that he had given them to M^cKenzie. When Tormet pereaveed that ye writs were in M^cKenzie's custodie he released his broy^r Torq. and suffered him to depart upon condi^one that he should never aclame anie right to ye Lewes, but to have ye Coigach to him and his successors as his propor^one of his fay^r's estate. The releasing of Torquil Conninaeh was agt. ye opinione of Neil M^cLeod and all his followers qo would have him exeuted, but Tormet would by no meanes disobleidged the M^cKenzies that fostered him in his youth and gave him his libertie in his greatest necessitie; besides the giving him his libertie M^cKenzie wes putt in question be the King throw a complaint that ye undertakers had given in to his ma^{tie} that ye Lord Kintail was ye only crosser of y^r desires for qeh he wes putt in prisson at Ed^r from qeh he escaped afterwards unput to his tryall the king being rightlie informed that it was the adventurers' own negligenee that wronged them and not anie thing else.

The undertakers did contrare to y^r promise turn again to the Lewes¹ being assisted by ye fores of all the neighbouring countreyes be vertew of ye king's Comission directed agt. Tormot M^cLeod and his followers.

How soon all the fores of the neighbouring Countreyes

¹ This second attempt was made in 1605.

were landed in ye Lewes the undertakers sent message to Tormot M'leod shewing that if he would yeeld to them in name of the king that they would transport him sallie to London qr his mañie was and being arived they would not only obtain his pardon but also suffer him but let or stop to deall by his freinds for his mañies fawour and for some meanes qrby he might live qrunto Tormet condescended agt. ye opinion of Neil M'leod and all his wel-wishers qo stood out and would not yeild. So the adventurers sent Tormot M'leod to London qr he caused his mañie to be rightlie informed of all the caice how ye Lewes was ye inheritance of his predecessors, that his mañie was sinistrouslie informed be ye undertakers qo made his mañie beleeve that the Lewes was at his dispo^one, qrupon proceeded manie unnecessary trowbles and great bloodshed, and therfor humblie desred his mañie to doe him justice and restore him to his own. The Adventurers understanding that his mañie began to give ear to the complaint of Tormot M'leod used all y^r credit at Court to cross him; in end they prevailed so farr, some of them being the king's domestick servants, that they obtained him to be taken and sent home prissoner to Scotland, qr he remained prissoner at Ed^r till ye war 1608, that ye king gave him libertie to pass into Holland to Maurice Princee of Orange qr Tormot ended his dayes.

The adventurers having gotten Tormot M'leod out of ye way, they settled again in ye Lewes qr they had not stayed long when diverse of them began to wearie. Some of them were drawn back from the enterprise oy^rs were not able for lake of meanes having spent all ther substanee and ruined ther estates in the planta^one, some dyed, oy^rs had greater bussines elsqr to obstruct them. In end all of them began to wearie being continowallie vexed with Neil M'leod; they forsook ye Lewes and returned to ffife.

The Lord Kintail perceaving that ye familie of Shiel-torqwil were not like to come be ye Lewes he passed a gift yrof to his own use under his maties great seall be vertew of ye old Rights qch formerlie Torquil Conninaeh reserved

in his favours. Some of the adventurers complained yrof to the king altho' that they were not able to act ther part themselves, yet they incensed the king agt. the Lord Kintail and made him resine his rights in his mañies hands be meanes of the Lord Balmerino then Secretarie of Scotland and president of ye session, qlk right being now at his mañie's dispoñe, he gave ye same back to three persons viz. My Lord Balmerino, S^r George Hay afterwards Chancellour of Scotland and to S^r James Spence of Wormistoun, qo having now the rights of ye Lewes settled in y^r persones. They undertake ye planta^one of ye Lewes qrunto they make great prepara^one being assisted be all ye neighbouring clans and speecallie be The Lord Kintail who sent S^r Rorie M^cKenzie (afterwards Tutor of Kintail) and Alex^r M^cKenzie of Coull w^t 400 men to assist them to plant a garrison y^r and to apprehend Neil M^cleod if it were possible. But Neil seing so great prepara^one led agt. him he keepled secret till better opportunitie. In end he wearied the undertakers being searce of provision for so great ane armie that they were forced to dismiss all the neighbouring clanes, and S^r George Hay and Wormistoun returned to fflyfe leaving a garrison in Stornua to keep the fort till they would send a supplie of men and victualls. After ther departure Neil M^cleod and Gillicallum m^cRorie his nephew w^t some others of the inhabitants of Lewes burnt ye fort apprehended the men and sent so manie as took qrters of them safflie home to ffyfe, since qch time they never returned again to fight in ye Lewes. Then did the Lord Balmerino, Sir George Hay and S^r James Spence wearie of the Lewes and sold y^r right and title yrof w^t ye fforfaultrie of Troternies and Vatternies to the Lord Kintail for a soume of money and the woods of Inverew qlk the providence of God brought to M^cKenzie's hands contra all those that strave to cross him.

The Lord Kintail having now bought ye right of ye Lewes he landed in ye Lewes w^t 700 chosen men qr aft. ye taking away of some herschips and some little skirmishes manie of ye inhabitants submitted themselves to

him and took y^r po^ones¹ of him excepting Neil M^oleod and some few that adhered to him qo went to a Rock far in the ocean sea qlk they had provided befor for yr last refuge, qlk Rock was called Berinsay.²

When the Lord Kintail had settled the Lewes all to this rock he came home and shortlie y^raft. died to ye great greife of all his freinds and great contentment of all enemies.

When Neil M^oleod heard of his death he reitired from Berisay and began again to trowble such of ye inhabitants as submitted to the Lord Kintail qlk made S^r Rorie M^oKenzie Tutor of Kintail to goe to ye Lewes having Alex^r M^oKenzie of Coul and some forces w^t him; Neil being in Berinsay they went and planted y^r men in anoy^r rock that was w^tin shott of Berinsay in qch Neil did kill ane man of yrs called Donald M^oConchie ve ffinla Glaish and wounded Taus M^oConil Roy ve ffinla Glaish. At last Neil wes forced to quite Berinsay and to goe qwietlie qr M^oleod of Herries was and make his refuge of him. Then M^oleod was charged under paine of Treasone to deliver him, qlk charge M^oleod obeyed and delivered him and his eldest son to ye counsell at Ed^r qr Neil was executed in April 1613 and his son banished out of ye kingdom.

During ye time that Neil M^oleod kepted ye rock of Berisay he came in familiaritie w^t ane English pirat, qo undertook to him to defend him be sea, he making incursions on land so y^t they both being outlawes might help ane anoy^r. But qn they perceaved the great riches that was in ye pirat's ship³ they most treacherouslie did apprehend ye captain of ye ship and all his men qn he did not have ye least fear of them they having formerlie condescended to spend ther dayes together and that ye captain should have Torquil Blaire's daughter in mariage.

¹ A rental of the Lewis made up on the forfeiture of Seaforth after the '15 is printed, *post*, pp. 312 *et seq.*

² Bernsary lies west of Lewis.

³ This was the well-known ship, *The Priam*. For the whole story see Pitcairn's *Criminal Trials*, vol. iii. p. 224.

The Captain w^t all his men they sent to ye counsell thinking y^rby to get y^r peace.

Neil M'leod did bring much of the wealth of ye ship to M'leod of Herries and spēallie the silver and gold vessells, but ye captain of the ship and all his men were hanged at length and Neil was shortlie yrafter execut at Ed^r.

After Neil's death the Lewes was peaceable the Lord Kintailles except some incursions that ye sones of Rorie oig did. W^m and Dōd the tutor of Kintail caused execute as rebels and Malcolm left him and died as aforsd.

This noble conquerour Kenneth Lord Kintail was married first w^t the Laird of Belnagawnes daughter w^t qm he had three sones and two daughters. His eldest son was Earl Collin, his 2^d wes John M'Kenzie of Loehslin, qo died w^tout aires male, and his 3^d son was called Kenneth yt died unmarried; his eldest daughter was married w^t ye Lord Rea and his 2^d daughter to S^r Donald M'donald of Slaite. After Belnagawnes daughter's death he married Purie Ogilvie's¹ daughter qo wes moy^r to Earl George to Thomas M'Kenzie of Pluseardin and to Simon M'Kenzie of Loehslin. His daughter gotten w^t Purie Ogilvie's daughter was first married w^t John M'leod of Dunveygan and aft. his death she married Alex^r ffraser m^r of Lovat²; he died in the age of 42 years *anno* 1611 and in ye raigne of K. Ja. 6th. This Kenneth bound M'Conil, M'leod, the Capt. of Clanronald, the laird of Assint, and ye Laird of Rasay to be his vassals.³

The 14 Cheefe of this familie was Collin Lord Kintail, qo wes made Earl of Seafort in ye 1620,⁴ he married the

¹ Gilbert Ogilvie of Powrie.

² So called, although only heir presumptive to his nephew. He was more correctly tutor of Lovat. His wife, Sybilla Mackenzie, is said to have been both wealthy and avaricious (*vide The Wardlaw MS.*, pp. 395, 422).

³ It was not uncommon for a man who held lands direct of the Crown to be persuaded or concussed by some powerful neighbour into a transaction under which the latter became the Crown tenant *in capite*, and then feued out the estate to the original owner as his vassal (*vide* vol. i. pp. 245 note, 320, 323 *et seq.*).

⁴ The patent is dated December 3, 1623 (*Reg. Mag. Sig.*), and the destination is to him 'et heredibus ejus masculis.' Under this destination the earldom passed to his half brother George. This is one of the cases used by Mr.

daughter of Alex^r Seatoun Earl of Dumfermling and Chan^{ler} of Scotland w^t qm he had manie children, but all of them died befor himself excepting two daughters, the eldest qrof was first married to the Lord Berridail, and aft. his death to ye Laird Duffus; his 2^d daughter was married to ye Lord Balcarras. His eldest son Alex^r Lord Kintail dyed at Chanrie ye 3^d of June 1629 and is yr buried.

Earl Collin's Ladie died at Ed^r the 25th day of febrie 1631 and was buried in fife w^t her fay^r the 4th of Mareh y^raft.¹ He wes a most religious and vertuouse Lord; he caused build the Castle of Brahan, and in everie Bar-ronie of his Highlands caused build a chureh, and left a dona^{one} to ilk chureh to mantain a mini^r, and also he left a dona^{one} to the Toun of Chanonrie now called fforter-rosse to hold up a Grammar school. He was much loved be his king and be all those that ever were agt. w^t him. His noble spirit changed this life the 15 day of April 1633 and was buried at Chanonrie w^t great triumph the 12 day of May *Anno* forsd.

The 15 Cheife of the familie of M'Kenzie was called Geo. Earl of Seafort. He wes a good man but verie unfortunat. He suffered great crosses in his prince's quarrel but his misfortune was that in ye beginning of ye king's trowbles he had not ye light that was aft.wards given him; yet never y^e less he caried himself a newter²

Sinclair in his controversy with Mr. Riddell to show that in grants of peerage 'heirs male' included collaterals, and were not restricted to heirs male of the body of the grantee (*Dissertation upon 'Heirs Male,'* p. 33).

¹ She 'deceased in George Cunningham's house in the Cannongate upon Sunday the 20 February 1630, at night, at least upon Monday morning betwixt two and three, and upon Friday, thereafter, the 26, was conveyed by the servants from there to Leith and that same day from Leith to Degitty, when she was kept there till Tuesday 8 of March 1630, and carried under ane black Velvite peall down to the Kirk where her father and mother lays' (*Lyon Office Burials,* 34; 53).

² His neutrality seems to have been of a curious character. According to Spalding, *Memorialls of the Trubles,* vol. i. p. 313 (Spalding Club): On Wednesday, 5th August 1640, during the sittings of the General Assembly at Aberdeen, 'the Erll of Seafort, Collonell, Maister of Forbes, Mr. Johne Adamson, principall of the College of Edinbrugh, Williame Rig, burges thair,

not earieing armes w^t ay^r of the parties till at last he wes blinded by the false promises of the covenanting rebels go told him that all y^r aimes was to have Montrose and the Irish putt out of Scotland, and that aft. that they intended to settle ye government of the Church and state as it was in the king's hand at his fay^r's death; upon these faire promises he drew to armes and joined himself w^t Gn^{all} Major Horrie¹ go commanded ane armie of horses under the parli^{at} to gward the Toun of Invernes; and manie more neighbours joined w^t them to persew Montrose and ye Irish. But quither be the providence of God or be

Doctor Goold, rector of the Kingis College of Old Abirdein, with sum uther barronis and gentilmen, held ane Committe at the said Kingis Colledge, quhair Mr. James Sandilandis, dischargit abefoir to be canonist, is now maid civilist, loth to want all.

'Thairefter they cam all ryding wp the get, cam to Maucher Kirk, ordanit our blissit Lord Jesus Christ his armes to be hewin out of the foir froot of the pulpit thairof, and to tak doun the portrait of our blissit Virgyn Marie and hir deir sone babie Jesus in hir armes, that had stand since the up putting thairof, in curious wark, wnder the syrling at the wast end of the pend, quhairon the gryte stepile standis, on movit quhill now; and gave ordour to Collonell, Maister of Forbes, to sie this done, quhill he with all diligence obeyit: and besydes whair there wes ony crucifixis set in glassin windois, this he causit pull out in honest menis houssis. He causit ane mesoun strik out Christis armes in hewin wark on ilk end of bischop Gawin Dumbaris tomb and siclike chissell out the name of Jesus drawin ciphar wayis J.H.S. out of the tymber wall on the foirsyd of Maucher Jyll, anent the consistorie dur. The crucifix on the Old toun Cross dung doun: the Crucifix on the New toun Cross cloissit wp, being loth to break the stane,—the crucifix on the wast end of Sanct Nicholas Kirk in New Abirdeen dung doun, quhill was never troublit before.' While the domination of the kirk lasted similar proceedings went on elsewhere, *e.g.* at Ruthwell. But in the Highlands at least they came to be regarded with disapprobation by saner minds. Writing of the last illness of his chief, Hugh Lord Lovat, who died in 1672, the Rev. James Fraser, minister of Kirkhill, writes: 'He would also reflect upon the loss of records and registers. God would yet visit the kingdom for the cry of these sacred ruins, especially on Beuly and Fern. That noble monument amongst the fatale overthrowes of many mo within the nation were altogether razed at the dispose of some then in commission in the fury of our confused Reformation whose over hearty actiones in these behalves hath left us a want of many trutthes which otherwayes we might have had, but sacrilegiously broken down and by purloining transferred to far prophaner uses' (*Wardlaw MS.*, Scot. Hist. Soc., vol. xlvii. p. 506).

¹ Sir John Hurrie. He was one of the prisoners executed by the Covenanters after the battle of Carbisdale. A birth brief granted to his children is given in the *Inventory of the Lamont Papers* (Scottish Record Society), p. 216.

the falshood of some of y^r officers as it wes given out, that armie that was blindlie led to anc ill eause, was beat at Aldearn the ninth day of May 1645. But how soon he came to his own bounds he conveened all his followers and sent for ye Earl of Sutherland and for S^r James M'Donald and for ye laird of M'leod, and for S^r James ffraser Tutor of Lovat and for ye Laird of Belnagawn and severall oy^rs of his neighbours to qm he declared the sad condi^one that the king and countrey was in, and therfor he desired ther opiniones; at last they all condeseended to draw up a declara^one qin they resolved to make Seafort ther leader and to be ane enemy to anie that would oppose the settling of the king in the condi^one he wes in at his fay^r's death, he thinking that the parliãt or covenanting Lords were as honest as they profest and knowing himself to be honest he thought all men would be so honest as they would profess to ther king and countrey.

Upon this apprehension he sent to the parliãt a double of the declara^one subscribed be the fornamed persons. But the Traitours that could no longer dissemble ther wickednes seing him resolute, how soon they saw his declara^one, the traitours proclaimed the loyall and true subject Rebell. Then he knew his own error and blamed his lenitie for being so credulous as to give faith to these wretches. Imediatlie he transported his armie over ye ferrie Airdirseire and joined himself w^t ye Marquis of Montrose; but S^r James M'donald and all the rest reteired home ay^r for fear of the parliãt or alledging that they could not abide the insolencie of Montrose his command, but nevertheless he kepted constantlie w^t ye Marquis till the king came to the Scots armie in Ingland qr the king was forced to send a perempter to the Marq. to disband his armie qlk he obeyed in the beginning of June 1646.

Then the Marquis did quite the eountrey, and this noble Lord was forced to keep himself privatlie in his own country, but being dailie vexed w^t cita^ones from ye rable Churchmen and from ane usurped parliãt he resolved at last to quite his countrey and pass a time in ffrance and the low Countreyes, qlk he did in Jãrie 1649 qr he lived

in great respect w^t all forrain princees in qse bounds he travelled and esp^çallie w^t the princess of orange, Elizabeth daughter to Charles the first king of Great Brittain; but qu he wes informed of the defeat given to Charles ye 2^d at ye unhappie battel of Worcester he died of melanchollie wⁱⁿ ten nights after at the toun of [Schiedam] in ye year 1651 qr he was buried on his own charge w^t great triumph, the Royall Elizabeth¹ giving her sp^çall direction of the forme and manner of his buriall. He maried befor his brother's death being then Laird of Kildin Barbara forbes daughter to the Lord forbes, by qm he had four sones and three daughters that outlived himself. His eldest son Kenneth now Earl of Seafort is maried w^t a daughter of S^r John M^cKenzie of Tarbats.² His 2^d son George Laird of Kineurdie³ is maried w^t the laird of Skeen's daughter; his 3^d son Collin is maried w^t M^r Robert Laurie Dean of Ed^r's daughter, and his 4th son Rorie w^t ane Ogilvie daughter to the Laird of Kempkearne. His eldest daughter was maried w^t the Earl of Marr, his 2^d w^t the Laird of Mey⁴ and the youngest w^t S^r John Wrqwhart of Cromartie. He left ane n^rall son called John who is maried w^t Loggie's daughter.

¹ Queen of Bohemia.

² Sister of George, first Earl of Cromartie. Lord Seafort died in 1678. His son followed James VII. to France, and his grandson, the fifth earl, was forfeited after the '15. *Vide post*, p. 290.

³ Kincardine.

⁴ Sir William Sinclair.

ANE ACCOMPT OF THE GENEALOGIE OF
THE CAMPBELLS

INTRODUCTORY NOTE

THERE are in the Advocates' Library three MS. volumes, each containing a History of the Campbells from the earliest times. The oldest of these (32.6.13) ends with Archibald, ninth Earl of Argyll. It is bound up with a slightly abbreviated transcript of the Argyll article in Crawford's *Peerage of Scotland*, which was published at Edinburgh in 1716. On the fly-leaf of the volume are written in different hands 'Ex codicibus magistri Johannis Campbell. Empto 9 Jarii,—1678,' the mottoes, *Virtus præstantior Auro* and *Prudens qui patiens*, and at the foot of the page the name Arch. Campbell.

Another volume (32.6.14) at one time belonged to Charles Kirkpatrick Sharpe. It seems to be merely a copy of the previous one, and is apparently the work of a rather incompetent transcriber. It bears the date 'Glasgow, 15 January 1820.'

The third volume (34.5.22), which is from the Phillips' Collection, contains only the History of the Campbells and not the Crawford article. It appears to be derived from the same source as the first one, but the history is brought down to 1776. In many places the phraseology of the two is identical, in others it varies considerably. In various matters too this version also supplements the statements in the other. This MS. is hereafter referred to as *B*.

In the following pages are printed the 'Accompt of the Genealogie of the Campbells,' contained in the first

MS. volume mentioned above, ending as it does with Archibald, the ninth Earl. From MS. *B* is then added what covers another century, or down to 1776. This contains a good deal that is not to be found elsewhere, notably with regard to improvements at Inveraray, and seems of considerable interest.

Other copies of the original history appear to be in existence. One has been utilised by the anonymous writer of a book on the House of Argyll,¹ who does not seem to have brought to his task an excessive familiarity with the sources of Scots history.² Another is said by J. F. Campbell of Islay (*West Highland Tales*, iii. p. 82) to have come from Cawdor Castle into his own possession. The Editor has not so far been able to satisfy himself as to the identity of the writer or compiler of this little clan history. But whoever he may be, he is most explicit as to the sources of his information, and quite frank as to the difficulty of attaining to the accuracy which he desired. The reader will no doubt therefore exercise his own private judgment in accepting or rejecting some of the statements of fact presented for his consideration.

The few notes that have been added are not intended in any way to relieve him of that responsibility. Their object is mainly to illustrate the narrative or correct obvious blunders.³

¹ Glasgow, John Tweed, 1871.

² *Eg.* one of his references is 'Charta per Dumanum Campbell de Lochow, Juras de Auchingowen Dilido Nepote suc Ioanni Campbell, filis et heredi Patris sui Colini Campbell de Ardkinglass, 6th May 1428,' p. 29.

³ The reader who is interested in these matters will find many traditions of Argyll and the Western Highlands in *Adventures in Legend*, by the Marquis of Lorne, K.T.

ANE ACCOMPT OF THE GENEALOGIE OF THE CAMPBELLS

ANE Accompt of the Genealogie of the Campbells who were of old called Clann oduibn¹ (or rather oduibhn) with bh according to the Irish Syllabication, bh and mh with them being of the same value with the consonant v, or vari in Latine or English; I say of old, so called from the famous Knights and champions the oduibns, and especially from Diarmad (or Jeremie) oduibnes famous in the Irish genealogies; from whom they are sometymes designed Siol-Diarmid or Sliochd Diarmid, that is the seed or offspring of Diarmid, but assumed the surname of Campbells in the days of Malcolm the third otherwayes called Malcolm Ceanmore, King of Scotland, on the occasion afterward to be shewed, who nevertheless do in their own language keep the names both of Campbells and oduibns to this day; anent whose genealogie let these things be observed, 1st that in matters of this antiquitie we do not undertake to give ane exact perfect and unquestionable account in all particulars and circumstances in regaird that their is no authentick histories extant in the Irish language in the Kingdome of Scotland, especially of such antiquity and the Scots and Latine Histories mentions no sirnames in Scotland before the foresd. King Malcolm Ceanmore (that is

¹ By charter dated March 15, 1368, King David II. confirmed to Archibald Campbell, son of Colin Campbell of Lochow, all donations, venditions, and impignorations of the lands of Craignish, Melford, Straquhir, and others, with all the liberties of the same as freely as Duncan M'Duine, progenitor of the said Archibald, did enjoy in the barony of Lochow or any other lands belonging to him (*Hist. MSS. Com., Fourth Report*, p. 477). The form Vanduibhne (o' duine) appears in Bishop Carswell's Gaelic Prayer Book, published in 1567. *Vide post*, p. 139, note 1. X

bigg headed), his reign which was in the beginning of the eleventh centurie, whereas the beginning of the following account will be in the fourth centurie or in the beginning of the fifth.

Yet 2dly observe that their were certain persons called Seanachies and Bards (often named by George Buchannan under the Latine form of senathei and Bardi) who were antiquaries, and whose work it was from father to son for many ages, to keep ane account of the genealogies of great families, and their actings, which ordinarily they did put in Irish ryme of a most exquisit frame, of whose writings their is now little extant except some fragments and traditions which their is no positive just reason to question the verity of in the principall account, whatever Hyperboles they use as to circumstances, which Hyperbolies the wryter hereof hes foreborn.

3dly observe that the name of Campbell both in the highlands and lowlands of Scotland and particularly their Chief under the name of the Knight of Lochow before they were nobilitat are mentioned as famous for their faithfullness to the Crown and Kingdome in the history of Sir William Wallace and of King Robert of Bruce about 350 or 360 years ago, as also in the beginning of the reign of the Stewarts how faithfully they behaved in the debates betwixt the Bruce and the Baliol, so the writer hereof refers the reader to the particuar histories of these persons and tymes; nothing being intended here but a short hint of their genealogie by their names or little more, and for what services they did to the Crown and Kingdome after they were nobilitat and some ages before, their are full testimonies thereof in the Chartors, Commissions for service, Letters of approbation, and other honorable papers granted to that family with the many Jurisdictions Immunities priviledges and offices of trust bestowed on them besyde what Hector Boeth and Buchannan mention of them. To all which I referr the reader.

4thly observe that though their be some differences in the Chronologie belonging to the following genealogie and the contemporaneousness of persons hereafter mentioned

among themselves and with the Kings of Scotland and Ireland which may fall to be mentioned (of which little will fall to be named) which is hard for us to reconcile, because of the darkness of the account we have of these antient tymes and of the differences of Chronologers among themselves, as also that we want the history of the antient Irishes in Ireland (on which much hereof doth depend) yet these things being Circumstances or Ignorance of them is no Imputation on the following account.

5thly observe that the writer had no helps at the wryting hereof except the tree of the following Geanealogie done be one Neill McEun as he had the same from Athairn McEun his father, as they had the same from their predecessors, who for many ages were Employed in a lyne of generations to keep records of such genealogies,¹ as also some small account left by Mr. Alexr. Colvin who was better read in the histories of Scotland and in the particular papers belonging to the family under consideration. Together also with some few notes the writer gathered out of Pedro Mexia² a Spaniard who writes of the original of diverse nations in his book called APXAIO-ΠΛΟΥΤΟΣ archaioploutos or Treasur of antiquities all which observes may serve as sufficient Apology for the shortness and Imperfection of the following account.

Although the common and ordinary account of the genealogie³ of the name of Campbell or Clann oduibhn doth

¹ The MacEwens were the hereditary seannachies of Argyll. They are said to have held Kilchoan on Loch Melfort. In another MS. in the Advocates' Library (34.5.22), substantially the same as that now printed, and referred to in these notes as MS. B, the genealogical tree is described as 'done by Neil M'Ewen as he received the same from Eachern M'Ewen, his father, as he had the same from Artt M'Ewen, his grandfather, and his predecessors.'

² A Spanish historical writer, 1496-1552 (see Didot, *Nouvelle Biographie Générale*, vol. xxxv. p. 267).

³ This less ambitious genealogy of the Campbells is to be found in a MS. in the Advocates' Library (Gaelic MS. No. 1), which was partly printed in the *Collectanea de Rebus Albanicis*. As Dr. Skene found some difficulty in reading this MS. he was unfortunately permitted to subject it to some chemical process, from which it has never recovered. On the other hand, a pedigree also given in the *Collectanea* (p. 360), and said to be taken from a MS. dated 1550, traces the descent of MacCailein through Gomer and Japheth and Noah up to 'Enos mic Set Mic Adaim mic De'!

commence from Arthur of the round table King of the Britons as a very famous and great person yet wee shall commence it some ages before him by shewing yow the occasion of his coming to the Crown of the Bretons, which from Hector Boeth and Mr. George Buchannan of the known wryters of the Scots Chronicles was as follows, viz. that in tyme of the Roman Conqueists and long after, their being three severall sorts of people who Inhabited Scotland to witt the Antient Brittons the piets and the Antient Scots who had their own severall Kings, the Romans did in a great measure subdue this Kingdome especially that part possessed by the Britons, having their Roman Governors and deputs over them, but the Roman Empyre being weakened and diminished, he who was Roman Governor among the Britons for the tyme went over to ffrance with a colony of Britons who seating themselves in a part of that Kingdome did call that part Little Britain or Britannia Gallica (to keep up the memory of antient Britain from which they went thither) and lived their with their own particular Kings over them, but afterwards the antient Britons at home being sore broken and brought into bondage by the Scots and piets under the reigns of 40 was crowned anno Christi 420 and did reigne 32 yeares being the 41 King of Scotland Eugenius the 2nd son to ffergus the 2nd King of Scots and of Dongard his brother who succeeded to him to the Crown (in regard he had no sons of his own body). The said Britons being weary of their bondage, sent Conanus and Guitellinus Bishop of London ambassador to Androen then King of Bertanye (as Hector Boeth calls it) or Britania Gallica (as Buchannan) inviting him to come over to be their King and to bring them assistance, who declining to come himself because of his age and satisfaction with the kingdom he already enjoyed, sent to them his son Constantin with ane army, whom the Britons made their King near about anno 450, which Constantine was grandfather to King Arthor; after Constantine's death, Vortigern and his son Vortimer usurped the Crown, after whom Aurelius Ambrose second son to the foresd. King Constantine succeeded, to Aurelius

Ambrose succeeded his brother Uter or Uther, and to Uter succeeded his son Arthor of the round table, from whom the underwren Genealogie is ordinarily reckoned.

1. Arthor.

Arthor son of Uterius, called by the Irishes Art me Utheir, King of the Britons, a famous son of a famous father, was begotten on Igera who was wife to Gorlois (as Buchannan) or Gothlois (as Boeth calls him) Prince of Cornwall. He was called of the round table, because he caused make such a table leist his nobles should strive for state, among others his victories he brought Ireland under tribute which was ordinarily paid to him at a city called in Irish Cathair Lheon nae called West Chester, and this he did in pursuance of an antient promise which the Spanizars at their first coming to Ireland (one of whom was called Hiberius hence Hibernia) made to Gurguntius King of Britons, for getting his assistance to subdue Ireland, vide Pedro Mexia his archaio-ploutos pag. 907, 908 and some following pages. Arthor married to his second wife Elizabeth daughter to the King of France (his first wife having died barren) of whom he begot Smereviemore. He was crowned anno 518, and died anno 542. He was contemporaneous with Coranus (or as others calls him Conranus) the 45th King of Scots; He was also contemporaneous with Justinian the Emperor, The sd. Coranus being murdered by Donald then Captain of Atholl in the 16th year of Arthor and the 20th year of Justinian's reign.

2. Smereviemore.

Smereviemore¹ (or as others writes Sr mereviemore) though he did not succeed to his father's crown in regard he was lurking and unknown, but Constantin, the son of Cartill one of the Captains in King Arthor's army, was chosen to succeed him, yet was a great and famous person of whom diverse and strange things are spoken in the Irish traditions; it is said that he was born in Dumbarton on the south syde thereof, in a place called the redd hall or in Irish Tour in Talla Dherig that is the Tower of the redd hall or redd house, he was called to his agnomen or

¹ Given as Smeirbi by Dr. Skene, *Celtic Scotland*, vol. iii. p. 459.

by-name the foot¹ of the forrest because he was a wild undaunted person. He was married to a sister of King Aiden the 49 King of Scotland being son to the forenamed Coranus who was Contemporaneous with King Arthor as sd. is. This King Aiden was a good verteous and pious King being contemporaneous with Columbus pius² called in Irish Collum Kille, who founded the Abbacy of Icolumkille in Mull. *

This King Aiden was crowned anno 570 their being 35 years interveening betwixt his father's death and his coronation, viz. the reign of Eugenius the 3d who rang 23 years, of Congallus the 2d who rang 11 years, and of Kinetellus who rang 1 year, all whose reigns makes 35. Now consider that his father Coranus died anno 535 which with the former 35 makes 570 which was the year Aiden began to reign whose sister was married to Sr. Smereviemore of whom he begat fferither uor.³ fferither uor³ fferither. son to Smereviemore married (as Neill me Eun saith) a daughter of the Duke of Valentia, of whom he begot Duibhne-more, from whom some reckons the name of Clannoduibhne. X

This Duibhne-more is said to have married a daughter of Duke Murdoch of Moravia or Elgin's daughter [*sic*] of whom he had Arthor oig that is young Arthor of whose marriage I have no account. He had a son called fferither olla (or I think rather fferither elle,⁴ that is the other fferither because there was a former fferither who was his great grand father), some reckons this fferither to have married a daughter of Diarmid oduibhn who was a great man in Ireland and to have had of her his son Duibhne falt dhearg, to which I cannot so readily agree 1st because thereby diverse generations contained in the genealogicall tree

4. Duibhne-more.
5. Arthor oig.
6. fferither Ele.

*
¹ In MS. *B* the name is 'fool of the forest.' X

² So called according to MS. *B*, 'because when he retired from company they were always sure to find him in his cell at prayer.' The epithet also appears in the old couplet—

'Hi tres in Duno tumulo tumulantur in uno.
Brigida, Patricius, atque Columba Pius.'

³ Gaelic *odhar* = dun coloured or pale.

⁴ Gaelic *eile* = other.

which generally passes for current will fall to be unmentioned as lost or as never to have been. 2ly because by that means the Campbells would come from Diarmid only by a woman viz. by his daughter which agrees not with the common tradition. 3d because be that rule their is no greater reason to reckon the Campbells Siol Diarmid that is Diarmid's seed then to reckon them Siol Chuinn or Siol Neil for they came of Conn Ceud Chatach¹ and Neil Noidh Gheallach Kings of Ireland by their mothers as weel as of Diarmid; therefore passing fferrither ele his wife we come to his son who is said to be

Duibhne faldhearg² that is redd haired son to fferrither ele, is said by Mr. Colvine to have married a grand chyld of Neil naoigheallach King of Ireland called naoigheallach³ because he had nyne chains or fetters or prisons, for keeping captives taken at warrs, whither this Neil naoigheallach be reckoned in the Irish antiquities to be the same with Neilus magnus or Neil the great, father to Laogirius King of Ireland in whose tyme St. Patrick came to instruct that nation in the Christian Religion by a mittimus from the pope Celestine I know not, the reason of my doubt is because I find in Pedro Mexia that Patrick came to Ireland anno Christi 430 in tyme of Laogirius; now that a brother daughter of Laogirius should fall to be married to Duibhne-faldhearg (who in the earliest reckoning will fall to have lived in the end of the sixth centurie according to our former instances of the Scots Chronologie) is hardly reconcilable unless that we reckon on the youngest brother of Laogirius and son of Neillus Magnus who had 9 sons and the youngest daughter again of that youngest son and allow each of them a considerable age (whereby the matter may be brought near a reconciliation) or if we may reckon that Neill naoigheallach whose grandchyld was married to this Duibhne faldhearg was a later person than the fore-mentioned Neilus Magnus I leave the reader to his choice

¹ *I.e.* Conn of the hundred battles and Neil of the nine hostages.

² Gaelic *falt* = hair; *dearg* = red.

³ Gaelic *naoi* = nine; *geall* = pledge or hostage.

geall

for many of that antient noble race of O'neills had the name Neill with discriminating by names as Neill more,¹ Neill naoigheallach, Neill ffrassach, Neill Glundubh etc. Read or'apologie in the preface for or'uncertainty in the Chronologies of or'present Genealogie. Wee proceed to his son

fferrither finruadh² that is whitish redd or reddish whyte (so called belike from the colour of his hair) was son to Duibhne faldthearg.

Duibhn dhearg id est red is reckoned the son of fferrither.

Duibhne donn id est brown is reckoned son to Duibhn-dhearg.

Diarmid odhuine (from whom the Campbells are called Siol dhiarmid (id est the seed of Diarmid) was a great and eminent person in Ireland and very honorable mentioned in the Irish traditionall antiquities as a person of great couradge and strength and very amiable to be looked upon, he had to his wife Grain, daughter to Cornig me Airt vic Chuinn Cheudchathchich and so she was great grand child to Conn Ceudchataith so called because he fought ane hundered battells; whereby the Campbells are descended of the noble race of the O'Neills. This Dhiarmid odhuibhne

had a son called Dhuine deudgheal³ (that is whyte toothed) who had to his son Gillocollum or Malcom oduibhn, which Malcom oduibhn having gone to Normandie⁴ in ffrance, took in mariage the heretrix of Beochamps (that is to say Campus bellus or pleasant field) being sister daughter to William the Conqueror. Of this heretrix the said Malcom had tuo sons the first Dionysius or Duncan who with his offspring continued in ffrance, and are called Beochamps or Campbells after the name of the foresd. lands.⁵ His next

8. fferrither.
9. Duibhn-dhearg.
10. Duibhne-donn.
11. Diarmid odhuine.

of Malcom oduibhn and the original of the denominations of Campbells.

9

¹ or, *i.e.* our.

² Gaelic *fonn*= white or pale; *ruadh*= red.

³ Gaelic *deud*=set of teeth; *ghcal*=white.

⁴ There was at one time a craze for Norman descents. A good example is afforded by the alleged Fitzgerald origin of the Mackenzies, *vide ante*, p. 5, note 1.

⁵ MS. B says that he had three sons, that the eldest continued in France, and was the ancestor of Marishale Count Tallard, and that the third was the ancestor of Beauchamp, Earl of Warwick, in England.

teeth

son was Gillespig or Archibald Campbell who came over to Scotland and married Evah daughter to Paul Oduibhn being heretrix of Lochow as wee shall hear anon. Now passing any further account of Duibhne deadgheal and his succession abovementioned of whom the Campbells came be their father, as they came also of the said Evah as their mother, wee proceed to Diarmid oduibhn his other son called Arthur Armdhearg.

12. Arthur
Armdhearg.

Arthur Armdhearg that is red armoured (so called from the naturall or Artificial colour of his arms, or because of the bloodiness of them) had four sons. The first was Sir Paul Oduibhn Knight of Lochow called also Paul an sporrán (of whom in the next article or section), the second was Arthur Urchanach, the third Arthur Cruachan who was tutor to the above and after mentioned Evah heretrix of Lochow being his neice ; he was also deput of Lorn under the King whom I suppose to have been King Malcom the second, who was crowned anno 1004 and rang 30 years ; Arthur Armdhearg's fourth son is reckoned to have been Arthur Andrairan who also had tuo sons viz. Patrick Drynach from whom the Clann Arthurs of Instrynish on Lochowsyde and Duncan Darleith of whom the mcArthurs of Darleith in the Lennox who called themselves Darleiths after the name of their lands which they possessed till very late.

mcArthurs of
Instrynish and
Darleith.

13. Paul
Oduibhne.

Paul Oduibhne eldest son to Arthur Armdhearg was called Paul an sporrán¹ id est purse master because he was purse master or Treasurer to the King for the tyme who was either King Malcom Ceanmore or his father King Duncan (for mcBeith who interveened was ane usurper) He married Marion daughter to Godfred King in Man ; he had one daughter called Evah the heretrix.

14. Evah.

Evah heretrix of Lochow and daughter to Paul Oduibhne was under the Tutorship of her uncle Arthur Cruachan ; she would mary none but one of her own blood relations, so it happening that Gillespig or Archibald abovementioned 2d son to Malcom Oduibhn begotten on the heretrix of

¹ Of the sporrán or purse.

Campus bellus in Normandie as sd is (on which occasion he was called Gillespicus Campbellus¹ after the name of these lands as all the rest sprung of Malcom Oduibhn begotten on her were so called) I say that Gillespig Campbell having come over to Britain to see his freinds in Scotland (or as ane officer in William the Conqueror's army as some alleadges) did take in mariage the sd Evah heretrix of Lochow (whose offspring did still enjoy the lands of Lochow under the name and designation of Campbells) as a part of their estate: It is also supposed by some that Lochaw being at first called Loch Cruachan was at this tyme called Lochaw or Locheve changing its name after Evah heretrix thereof.

Gillespick or Archibald second son to Gillecollum Oduibhn begotten on the Lady Beochamps or Campus bellus was the first of the Knights of Lochow who assumed the name of Campbell from the land obtained by his father through marrying the Lady Beochamps, and he became heritor of Lochow by marrying the foresd Evah heretrix therof (his eldest brother Dionysius having remained in ffrance as heretor of Campus bellus or Beochamps as was formerly marked.

r4. Archibald or Gillespick with the fore sd Evah, the first Campbells.

It is also to be remembered that the foresd Gillecollum oduibhn married also Dirvail daughter to the Lord of Carrick of whom he begot Gilmory, Corcaruo and Duncan Drumanach. Gilmorie had a naturall son called Nachtan of whom the Clannachtans.² Of Corcaruo descended the Clanuilins in Ireland, and of Duncan Drumanach came the Drummonds; he was called Drumanach as some think because he lived bejoynd Drimalbine whence follows that these three Clanns are of the oduibhns and brothers to the sd first Archibald Campbell by his father's other mariage and yet they were not called Campbells because

Nota Gillecollum's other marriage.

mcNachtan Clan uilin and Drummond.

¹ It is generally admitted that the name is purely Gaelic and due to the epithet Caim-beul or wry-mouthed, given to some early chief—Dugald, according to Dr. Skene (*Celtic Scotland*, vol. iii. p. 458). The spelling was *Cambel* well into the fifteenth century. A similar name is Cameron—Caim-shroin, wry-nosed.

² MS. *B* says 'Nachtan, of whom the MacNachtans, M'Nicolls, M'Nivens, and M'Kenrigs.'

the foresd Archibald was the first that assumed that sirname as sd is whereby I am made to think that the heretrix of Beochamps was his 2d wife.

15. Duncan.

Duncan succeeded to the foresd Gillespig or Archibald, he married Dirvail daughter to Dugal meffiachar than called in Irish Toseach of over Lochow which Lochow being divided in over Lochow middle Lochow and nether Lochow all the lands of these three parts became now united and belonged to the house of Argyll who still kept the name of Lochow till they were made Earles.

16. Coline
Maill Maith.
Alexr. the first
crowned anno
1109.

Colin Maol Maith succeeded to the sd Duncan, he married [blank in MS.] neice to King Alexander which I suppose to be Alexander the first, In regard that as the Thanes of Argyll (for so they were sometymes called) were men of great power about this tyme so I find that the Thane of Argyll was Employed afterward by King Alexander the Third to joyne with the Earles of Atholl Carrick Merce and the Thane of Lennox to recover the west Isles of Scotland from the Norwegians and Danes and to bring them in subjection to King Alexander which they did about anno 1254 (see Holinshed in the history of Alexander the third). This Coline Campbell, bynamed Maol Maith, got three honorable priviledges¹ he was constitut 1st Justice Generall 2dly Mr. Houshold to the King and 3dly Lieutennant of the Isles. He had tuo naturall sons viz. Taius Coir who conquest Cowall from the Lamonds being a man of great valor and couradge; from him descended the Clanntavish Campbells such as the house of Leanach Netherrudill and others.² His other naturall son was called Iver, begotten on the daughter of a great man called Swineruo³ he was owner of Castle Swine in Knapdail and was Thane of Knapdail and Glassrie; of this Iver came the mcIvers Campbells which are numerous and strong both in Glassrie and Craignish;⁴

Alexander the
third crowned
anno 1240.

Clanntavish.

Clann Iver.

¹ These grants are here antedated by some centuries!

² MS. *B* gives 'the Houses of Leanach, Nether Rudill, Dunardry, Acha-coish, etc.'

³ Qy. Suibhne Ruadh?

⁴ Much information regarding them is contained in *An Account of the Clan Iver*, by Principal Campbell, in which their Campbell origin is disputed.

his lawful son begotten on King Alexander's neice was Gillespig.¹

Gillespig or Archibald succeeded to his father Coline who had three sons Duncan 1 natu, Donnald Donn, that is brown, so called from his colour 2 natu, and Dugald Craigneassach so called Because he possessed the lands of Craignish (for its ordinary with the highlanders to affix bynames to any person of note as we see the old Scots did the lyke to their kings as Malcom Ceanmore, Alexander the fierce, William the Lyon, Robert bleir eyes etc.), of this Dugald came the antient Campbell of Craignish called Clann Dugald Craignish the principall air of which family having failed the lands returned to the house of Argyll a part whereof is now possessed be the Baron of Craignish (called the Baron of Barrichi-beyan) and be Barbreck.²

17. Gillespig
mcColin Maol
Maith.

Clann Dugald
Craignish
Campbells.

Duncan his eldest son succeeding to his father begat one son called Dugald.

18. Duncan
19. Dugald.

Dugald³ son to the foresd. Duncan married ffindoig⁴ daughter to Nachtan mcGilmorie his own kinswoman being both descended of Gillocollum Oduibhn of whom he had three sons 1 Gillespig 2 Duncan dow (that is black) 3 Eun or Hew, and one daughter called More maith that is good

¹ MS. *B* proceeds, 'According to tradition this Swineruo took away his daughter from the Knight of Lochow (who, it seems, had not married her but kept her only as his concubine), and married her to MacLachlan, giving him in portion with her all his lands in Glassrie possessed by the MacLachlans, such as Dunard, Dunamuck, Achinshelich, Shervans, and Braenachyllis.'

'The rebels in the Western Isles being informed at a time that the king was at Dunstaffnage, they made such a sudden onsett upon him that he could in no way escape had it not been by the advice of Colin Maol Maith, who advised that the king should leave that place with a few men in countrymen's habits, whilst he should personate the king by putting on his royal habit to persuade the rebels that the king was still there in person, which had the desired effect. But Colin Maol Maith, with all the forces the king left with him, were cut in pieces upon the spot, who did not fall unrevenged, for the whole ringleaders of the rebels were also slain upon the spot.'

² MS. *B* says the 'Baron of Craignish, otherwise designed the Baron of Barichy-beyan, the male heir of the old family of Craignish.'

³ He was the person, according to Dr. Skene (*Celtic Scotland*, vol. iii. p. 458), who received the nickname of Camoel or wry-mouthed, and transmitted it as a family name to his descendants.

⁴ MS. *B*, 'Findorg or Finnaill.'

Strachurr and
Arthur Camp-
bell.

the old house
of Lowdown.

more;¹ of the second son Duncan dow descended the house of Strachurr, to witt of a son of his, called Clann Arthur Campbell to distinguish them from the other Clann Arthurs who descended of the knights of Lochow when they had the name of Oduibhns before they assumed the name of Campbell as is formerly marked. Of the third son called Eun or Hew came that brave and gallant gentleman Sir Hugh Campbell of Lowdown whose inheritance was transferred to the late Chancellor Campbell son to the Laird of Lawirs by his marrying the heretrix of Lowdown; ² some alledges that the house of Lowdown is a branch of the house of Strachurr, and others that they are immediatly descended of the house of Argyll in regard that ane evident was found in the Chartor chest of Lowdown bearing that the son from whom they descended got a portion of land from the house of Argyll called Bendaraloch but I suppose that Bendaraloch was not in the possession of the house of Argyll till long after this, it being a part of the Lordship of Lorn, the accompt whereof will come in afterward when we come to Coline the Chancellor oye to Duncan nanadh. Item the foresd daughter called More maith was mother to Sir John McGrigor Knight of Glenurchay in those days. And so we return to the eldest son Gillespig.

20. Gillespig.

Gillespick ³ or Archibald McDugald married Efferick daughter to Coline foresd ⁴ of Carrick and begot of her Coline or Callen more that is great Coline whither so called for the bigness of his persone or estate (for now they became great) or of his gallantry it is uncertain, he is also

¹ MS. B, 'Moir Maith, i.e. good Moir or good Sarah.'

² Vide *Scots Peerage*, s.v. *Argyll*, vol. i., and *Loudon*, vol. v. Susanna Crauford, heiress of Loudon, was married to Sir Duncan Campbell, son of Sir Donald Campbell, second son of Caillein Mor. It is quite true that the Benderloch was in Lorne, and that Lorne was not acquired by Argyll till 1470. But according to Robertson's *Index of Missing Charters*, 26-31, Sir Donald had from King Robert I. a grant of 'the lands which is called Veneduloche.'

³ He is supposed to be the Gillespic Cambel who in 1263 had the lands of Mestreth and Salwchop, i.e. Menstrie and Sauchie (*Exchequer Rolls*, i. p. 24), *vide post*, p. 166, note 3.

⁴ *Foresd* seems a clerical mistake for Lord. MS. B has 'Colin, Lord of Carrick.'

X called Coline na Sreinge that is of the String, because in a fight with McCoul of Lorn in the mountain betwixt Lochow and Lorn called the String¹ after he had put the McCouls to flight throw his eager persuing the chase and forcing a pass called the a-dhearg that is to say the red foord he was unfortunatly killed and a heap of stones (called in Irish a Cairn) stands near that place as a monument of it to this day.² This Coline More na Sreinge married Janet daughter to Sir John Sinclair³ being descended of a very noble blood, and of her he had tuo sons Sir Neill and Archibald called in Irish Gillespig, others reckons a third son called Dugald the parson of whom they reckon the clann apherons who are a numerous strong clann in Badeanoch.⁴ However of this Coline more the Campbells are called Clannchallen and their Chief is called Calein More that is the great McCallen or the son of Callen the great.⁵

Sir Neill his son was the first who was called McCallen More from his father's name, this was a most famous and valiant knight being one of these who were called King Robert the Bruce his worthies; he kept Lochow against Mcphaden who came against him with a great host clothed with a Commission from the great King Edward of England,

¹ 'A ridge of mountains betwixt Loch Avich near the middle of Lochow and the head of Glenscamadill or Gleneuchar in Lorn, where the said Colin Mor in a fight with John Baucheach MacCoull, i.e. Lame John Macdougall, chief of the Macdougalls' was killed (MS. B). There is also a *String* in Arran.

² MS. B adds: 'He was buried at Kilchrennan on Lochow side.'

³ Sir John Sinclair of Duglass, according to MS. B.

⁴ This, of course, is nonsense. The Macphersons or clan Vurich are said to be sprung from a parson of Kingussie, and are certainly not Campbells. There was, however, a small Campbell sept of Macpherson, *vide post*, p. 139, note 1.

⁵ How greatly Calein Mor had impressed himself on the popular imagination appears from a curious passage in John Major's *History of Greater Britain* (Scot. Hist. Soc., vol. x. p. 37): 'There is also the island of Argadia, belonging to the Earl of Argadia, which we call Argyle, thirty leagues in length. There the people swear by the hand of Callum More, just as in old times the Egyptians used to swear by the health of Pharaoh.' In the first edition published at Paris in 1521 the words are 'per manum Alani Magni,' as if Major had thought that Argyll's patronymic was Mac-Ailein More, and, therefore, that the eponymous was not Calein but Alan.

he had also John McCoul¹ his neighbour (who was made Lord of Lorn by the sd King Edward) as another strong enemy at his back, nevertheless the sd noble Sir Neill valiantly kept the pass of Lochow until he sent for William Wallace who came to relieve him and the sd McFadden was killed,² and the forest Lord Lorn was forfeited by the parliament held at Ardhattan in Lorn and his estate given to Duncan McCoul his uncle for his fidelity.³ This Sir Neill and his father Coline More in the debate betwixt the Bruce and Baliol for the crown inclined toward the Baliol (as being one degree nearer by proximity of blood) until the sd Baliol consented to subject the crown of Scotland to the forest King Edward of England (to whose arbitrement the

¹ *i.e.* John Macdougall, otherwise John Baacach (or lame), eldest son of Alexander de Ergadia and generally known as John of Lorne. It is, of course, wrong to say that he was made Lord of Lorne by Edward I.

² MS. *B* adds the following particulars: 'Sir Neil kept the pass on the water of Aw that runs out of Lochow until he sent for Sir William Wallace, who came to relieve him, and by joining their forces they beat MacPhaiden, who was taken in a cave in Craiginney (*i.e.* Creag-an-aoinidh, *Records of Argyll*, p. 176), which is to this day called Vaimh vic Phaiden, *i.e.* MacPhaiden's cave, and there was beheaded.' See also *Proceedings Soc. Antiq.*, vii. 222. MacPhaiden or MacFadyean is said (*Inverness Surnames*, p. 38) to mean 'the son of Paddy or Patrick.' A long account of MacPhaiden is given by Blind Harry, iv. l. 181 and vii. l. 623. He is said to have been an Irishman of low birth whom Edward I. had made Lord of Lorne with the consent of John of Lorne, on whom he had bestowed more valuable possessions in England. But whatever his origin he and his followers apparently earned the execrations of their contemporaries by methods of warfare now associated with German culture, but apparently regarded as barbarous in the fourteenth century. As Blind Harry puts it—

'Barns nor wyff thai peple sparyt nocht,
Waistyt the land als fer as thai mycht ga,
Thai bestly folk couth nocht but byrn and sla.'

There is a Mull legend that Lochbuie belonged to a MacFadyean when Hector Reganach got his grant from the Lord of the Isles (*vide* vol. i. p. 22). According to this tale, when Hector arrived to take possession he found MacFadyean on the top of his tower peacefully picking a bone. He shot an arrow which struck the bone, and MacFadyean exclaiming in Gaelic, 'It is time I was going,' made off with all possible speed. The name MacFadyean is still to be found in Mull.

³ Alexander de Ergadia had a son Duncan, and Blind Harry says that he resented the presence of MacPhaiden and opposed him. But there is no evidence that he profited by his brother's forfeiture. The Ardhattan Parliament is said to have been held in 1308.

MS. of the same story in MSS. Vol.
MacPhaiden na ciorca
na h-àrca na h-àrca
Ged thar e na b'ann na
the d'fian na h-àrca
na eagal a pàigheadh.

«debate was reserved) which Robert the Bruce refusing to do the sd noble knights Joyned with Robert the Bruce so tender were they of preserving the true liberties of the crown and Kingdome when King Robert fled from the fury and persecution of the sd king Edward strong in power and policy and left England and came to Dumfreis, slew Sir Edward (whom some calls Sir Robert) and Sir John Cumings¹ for their treachery who were near cousins to the @mentioned Joun McCoul then Lord of Lorne near neighbour to Sir Neill and when King Robert the Bruce had foughten unfortunatly at Methen against the English and at Dalree in Straphillan against the foresd Lord Lorn and had his wife and childreen taken captives and many of his friends with his childreen forfaulted and put to death and others exyled, being thus brought to indigence and extreimity that he was forced to cover himself with woods and rocks with his company of tuo or three viz. the Earle of Lennox for the tyme Sir James Dowglass and Gilbert Hay and being destitut of all earthly comfort being fugitive in the winter both of tyme and fortune. This Sir Neill Campbell who was with him at both his unfortunat ran-counters was raised up by God to comfort and succor him and his distressed freinds whose service to the King when all circumstances are considered was singularly usefull and loyall and namely.

1st consider that Bruce his title to the Crown at that tyme was both doubtfull and uncertain because of the Commotion betwixt the Bruce and Baliol and also that the Baliol Consented to take the Crown as holden of King Edward. 2 Consider that the power and authority of the nation did then ly toward King Edward's side, 3 that the glory of his first entrance was darkened and shaken by his unprosperous battells. 4 consider the danger that Sir Neill's estate was into by the wrath of King Edward and by the fraud and power of McCoul of Lorn his nearest neighbour and by all the mighty race of the Cummins Lorn's cousins, yet

circumstances
commending
his loyalty.

¹ John of Lorne's mother was the aunt of the Red Comyn, Sir John Comyn the younger.

all these things was not able to divert his noble mind from the fellowship of the King's afflictions nor from his faithfulness to the Crown which inclination was still found in that familiar witness¹ their sadd suffering with the other Scots by the english at the Barns of Air in William Wallace tyme, their loyall adherence to Robert Bruce and their worthy services from age to age in bringing the Isles of Scotland and the disobedient neighbouring clanns in subjection to the Crown. But to proceed.

King Robert at the fight of Dalree in Straphillan against the forsd Lord of Lorn was in so great perill of his Lyfe that he was once caught by the mantle by a servant of Lord Lorn's and held till the King knocked him on the head with ane steel hammer made after the manner of a long heeled axe nevertheless the fellow kept hold of the mantle till the King was forced to louse the buckle of the brotch wherewith the mantle was closed and so leaving mantle and broatch escaped narrowly with his Lyfe (which broatch was kept by the McCouls in Dunolich as a monument of their victory),² and came to Cowall where he had no succor but from Sir Neill Campbell under God, from thence Sir Neill went to Kintyre to provide boats and Galleys for transporting King Robert to some Island and accordingly he was transported to Rachrey³ where he left his brother Gillespig (or Archibald) with the King for a whole winter season and returned himself to spy the actions of his enemies and to raise new freinds to him; ⁴ whither it was on this occasion that the Campbells got the ships or galleys for a part of their coat of armes I know not.⁵ This

¹ To these instances MS. *B* prefixes Colin Maol Maith's death at Dunstaffnage (*vide ante*, p. 83, note 1).

² The brooch is believed to be still at Dunollie. ^X MS. *B* adds that 'Sir Neil, having got together with all possible dispatch the remains of their scattered forces, pursued the Lord Lorn until to save his life he was forced to get into a boat at Castle Caolchurine situate in a small island near the head of Lochow.'

³ Rathlin.

⁴ For what seems to be the true history of these months see Barron's *Scottish War of Independence*.

⁵ The galley only entered into the Argyll coat after the acquisition of the Lordship of Lorne in 1470. But it was apparently used as a mark of difference much earlier (*vide post*, p. 138, note 1).

X N. Records of Argyll by Lord Archibald Campbell, pp. 93, 513.

Sir Neill Campbell married Marjory ¹ Bruce sister to King Robert the Bruce, had two sons viz. Coline oig Campbell who succeeded him and John Campbell who was first Baron of Mowlin and thereafter Earle of Atholl; He married also Margaret daughter to Sir John Cameron of whom he had a son called Dugald Campbell of which Dugald Mr. Colvine reckons to have come the Clannodonachie Campbells, viz. Lerags, Inneraw, and Stronchormig; but certain it is that Stronchormage was not so early as we shall hear afterward. ² Lerags is supposed to have been the first of that name who possessed Lorn. It is certain they were alwayes very active stout men and of the most stubborn and undaunted spirits and too hard to tame. They are called Clandonachie Campbells to distinguish them from Clandonachie broastich who are the same with the Robertsons of the house of Strowan and a branch of the McDonalds.

This Dugald Campbell son to Sir Neill had a son called John and that John had a daughter called Mary who was afterward married to her own cousin Coline Iongantich as we shall hear.

Sir Coline Oig, that is young, son to Sir Neill, succeeding to the inheritance did nothing degenerat from the valour and loyalty of his worthy father both in King Robert's own tyme and during the trouble raised by Edward Baliol after King Robert's death.

This Sir Coline accompanied King Robert in his expedition to Ireland where it happened that as King Robert was marching throw a wood with his army, Sir Ritchard de la Clare deputie for the tyme lay in ambush to surprise King Robert and his army in the wood to which effect he sent forth two souldiers to shoot and to provock King Robert's army that by affronting the army they might be Induced to follow them; King Robert on the other hand lyke an experienced souldier gave express command that none should follow them suspecting a snare, not-

¹ Mary, not Marjory Bruce, was the mother only of John Campbell. Colin Oig was Sir Neil's son by a previous marriage.

² *Vide post*, p. 91.

withstanding Sir Coline Oig Campbell being impatient to see the whole army affronted did run out and killed the one of them and the other fledd for which deed King Robert rebucked him. This noble Knight continued in all service for the Crown all the days of his lyfe even in Edward Baliol's tyme who usurped the Crown anno 1332, viz. tuo years after David Bruce had succeeded to his father, yet he adhered to the sd David Bruce at such a tyme as none durst avow him King of that tyme. Buchannan page 301 and 303 saith, ea tempestate nemo in Scotia praeter pueros ludentes Brussium regem profiteri audebat tamen Robertus Stewartus qui tum Britanoduni latebat aliquid per absentiam Cumini audendum ratus Campbelloso familiam in Argathelia potentem sui consilii certiores facit; eorumque princeps Calenus circiter quadringentis coactis ad Noviodunum arcem Cowaliae ei occurrit eamque statim occupant. That is that at that tyme none in Scotland except Childreen at play durst avow the Bruce to be King yet Robert Stewart who then was lurking in Dumbartan (viz. with Malcom ffleeming for fear of King Edward) judging fit to adventure on some exploit in absence of the Cumine made the Campbells who were a mighty family in Argyll privy to his purpose, whose Chief viz. Coline Campbell having in haste levied about 400 men mett him at Dunoon one of the Castles in Cowall which instantly they took and possessed. This Robert Stewart did come to the Crown after David Bruce by vertue of his mariage with King Robert the Bruce his daughter and was the first King of the Stewarts and was called Robert the second reckoning the Bruce for Robert the first. Sir Coline Oig for his valiant assaulting the sd Castle of Dunoon and taking of it was made heretable Keeper of it for which he and his successors had a yearly pension out of the excheqr. in memory of his service. Boethius calls him Archibald Campbell, and Holinshead calls him Dugald, but Buchannan calls him Coline with which the Chronologie of the tyme best agreeth.

Immediatly after the taking of Dunoon they went to Boot where they recovered the Castle of Boot fra tha

he helps
Robert the
Stewart to
recover the
nation and
took Dunoon
Castle.

English who were concurring with Edward Baliol against David Bruce; from hence they went to the Lowlands and ceased not till with such others of the nobility who joynd with them they regained the Kingdom to David Bruce.

This valiant Knight Sir Coline¹ married Helena daughter to Sir John More whom Colvin supposes to have been the son of the Earle of Lennox; of this Helena he begot Gillespig More. He had also a naturall son begotten on [blank in MS.] ne flihur² called Neill from whom mcNeill of Melfort³ and his family.

his mariage
and children.

mcNeill of
Melfort.

Gillespig More or Sir Archibald son to Sir Coline Oig married Isobella daughter to Sir John Lamont, called Sir John More, on whom he begat ane thrice praise worthy son called Iongantach of whom in his own place, and a daughter called Dame Helena Campbell who was first married to John McDonald Earle of Ross and she bore to him Angus mcJohn mcDonald cheef of the Clan Donalds of Scotland⁴ afterward she married the Earle of Lennox of whom she had a considerable succession. He had another son Duncan Skeodnasach from whom came McConochy of Stronchormage.⁵

24. Gillespig
or Archibald
More.

from this
Archibald
More some
deduces the
Laird of
Inverliver.

McConochy of
Stronchomick.

Coline Iongantach son to Gillespig More was called also Coline Maith that is good Coline and Iongantach that is wonderfull because he was singular and odd in his Concepts. There was none of that family worthier according

25. Coline
Iongantach.

¹ A sketch pedigree showing the descent from him of some of the leading Campbell houses is given in *Highland Papers*, vol. i. p. 142.

² MS. B, 'one M'ldhuie.'

³ MS. B, 'Melfort or Kenmore.'

⁴ MS. B, 'Angus MacIan Vic Dhoneil, i.e. Angus, the son of John Macdonald, the chief of the Macdonalds in Scotland.' There is obviously some mistake. The lady may have married a John Macdonald. But John Macdonald, Earl of Ross, was not born till 1434.

⁵ According to MS. B this Archibald Campbell was 'contemporary with King Robert the Third, and had also another sone called Duncan Skeodnasach, who was fostered and brought up with the M'Callums of Ariskeodnish in the parish of Kilmartine; from this Duncan descended the MacDhnochies of Stronchormaig, otherwas called Glenfeochan. Some make this Duncan one generation later, viz. the son and not the brother of Colin Iongantach, and the grandchild of this Archibald Mor Campbell.'

to the tyme he lived in albeit by all that was before him of that family some accession of lands and honours was made to the house of Argyll yet by none so much as by him, and in effect it was he who brake the ice (as the proverb is) and opened the way to all the after grandeur of that noble family by repelling the Isles men and dantoning of oppressors. To set down all his actions and his excellent conceits would take much tyme as for instance his throwing all his treasure in Lochfyne a little before his death, leist his sons (of whom he had many) should fight for it after his death, his sudden burnings of his houses when some nobleman of the O'Neils and others out of Ireland were coming to visit him because they were not magnificent enough for intertaining them, that he might have occasion to feast them in tents; and how he went through all the army of the Lord of the Isles as a beggar to spy his forces, and how he narrowly escaped with his Lyfe from the Clanchallum¹ in Ardskeodnis who thought to have burnt him alive in a house that they might get the estate brought to Duncan Skeodnasich² from whom came McConochie of Stronchornick or Glenfeachan, he was called Skeodnasich because he was fostered with the sd Clanchallum who were then strong in Ardskeodnish within the paroch of Killmartin, so that the sd Coline Iongantach was forced to flee with his coat of mail which after the antient forme was made lyke after a nett hanging down to their heels, called in Irish a lureach³ which being made so hott with the fyre that he rann into a pool of water under Killmartine towne which pool is to this day called in Irish linge na Lureach that is the Lureach's pool. His great work was the bringing down of the Lord of the Isles and these sorts of men who were disobedient to the Crown whose wings was never more

¹ An old name in that country. On November 30, 1667, Archibald, ninth Earl of Argyll, granted a charter to Zachary M'Callum of Poltalloch and the heirs male of his body, 'quibus deficientibus heredibus suis masculis quibuscunque cognominis de Clan Callum.'

² Described in MS. B as 'their foster and colt,' *vide ante*, p. 38, note 1.

³ *Luireach*—in Latin, *Lorica*. Cf. the ancient Irish Hymn well known as the *Lorica* of St. Patrick.

clipped by any man. One passage of his faithfullness to the Crown is eminently observable in the tyme of the sd and last King Robert (called Robert John fferyear¹ for he was called John first and on his coronation was called Robert as judged a more fortunat name to their Kings, who was crowned anno 1390 and did reign 16 years) and in the tyme of James the first who began to reigne anno 1424, who was long prisoner in England, Duke Robert being designed Duke of Albany, the King's brother being Governor of Scotland who was a brave prince, had he not taken advantage of his brother's simplicity aspyred to the Crown.

his service and
fidelity to the
crown.

Now the old King being retired and unable to rule, prince David his eldest son being secretly cutted off by famine in ffalkland (for which the sd Duke Robert the Governor was suspected) and James the youngest and only son extant being in captivity in England, There was none betwixt the Crown's coming to Duke Robert and his posterity but James the prisoner; and although Coline Iongantach had married his eldest son and heir Duncan Anadh (of whom afterward) to the sd Duke Robert's daughter sister to Duke Murdoch nevertheless he was the principall man that was author of bringing home King James from England to enjoy the Crown, respecting more the right of the young captive prince than his own great allya.²

This Coline Iongantach being Knight Baronett³ of Lochow married Dame Mary Campbell daughter to Sir John Campbell who was the son of Dugald who was the son of Sir Neill Campbell and consequently his own cousin (see the former account of Sir Neill) of her he had diverse sons viz. Duncan Anadh who succeeded in the estate, so called because he was happy and prosperous, for adh in Irish is prosperity or good fortune; 2 John Annan⁴ that is weak John, some reckons him the eldest, but that by

his marriage
and offspring.

¹ *Vide post*, p. 95, note 1.

² In MS. *B* 'his own private alliance.'

³ MS. *B* correctly designs him only as *Knight*.

⁴ Annan or Annheim in MS. *B*.

il. anheim

advice of his freinds he resigned the Inheritance to his brother Duncan Anadh, reserving the Straith of Craignais to himself, others reckons Duncan Anadh to have been the first begotten, but the matter is small since it is certain that Duncan Anadh succeeded as heritor. Of this John Annan descended the old house of Barbreck, and the estate falling in the hands of ane daughter she was advysed to have married a naturall son of the Earle of Argyll called Coline, by which mariage he succeeded to the old house of Barbreck, and was called Coline Craignessach of whom descended the present house of Barbreck.¹ A third son of Coline Iongantach was called Coline Oig of Garve Cowall, that is the rough or Craigy part of Cowall or Over Cowall, who had a son called John Reivach because he had spots and fernticles² on his face; of him descended the house of Ardkinglas³ and therefore the Lairds of that house are called McEan Reavach to this day. Some reckons Duncan Skeodnasach, of whom McConochy Stronchormick, to be a 4th son of his, but that does not consist with the former account of Coline Iongantach but the odds is not great whither he was a son or a brother of Coline Iongantach; the sd Colin Iongantach had also tow stoute⁴ sons as first Dugald More of Over Lochow, *inde* Dunstaffnadge⁵ and his family,⁶ 2ly Duncan More of Glenshiro who again got the estate of Duntroon, from whom is the family of Duntroon, and therefore are called Slioch donocheemore that is Duncan More's offspring; 3ly Neill Dean of Argyll begotten on the Abbot McAlister's daughter of whom descended the

Old Barbreck
of a brother
of Barbreck.
Colvin brings
in Inverliver.
See before of
Ardmore.

Ardkinglass.

X

Dunstaff-
nadge.

Duntroon.

¹ According to MS. B 'the present family of Barbreck is come off Colin Campbell, natural son to Earl Archibald Roy the younger, by marrying the heretrix of the old family of Barbreck, and is six generations or degrees later than this old family,' *vide post*, p. 101.

² 'Who were very numerous and many branches descended of them, for which reason they are called Sliochd Chaillen Oig, *i.e.* young Colin's offspring and the knights of Ardkinglass are always designed MacIan Reavich, *i.e.* freckled John's son' (MS. B).

⁴ The words 'Towe Stoute' appear to be written on an erasure. As MS. No. 2 reads 'Colin Iongatach had also some natural children,' it would be interesting to know what words have been erased!

⁵ The Captain of Dunstaffnage is called in Gaelic MacAongais an duin.

⁶ Called Slioch Dugall Mor (MS. B).

parson of Killmartin and his ffamily of whom few are now extant except Auchinellan. the parsons of Kilmartine.

Duncan Nanadh that is to say fortunat or prosperous did nothing degenerat from his father's vertues, he had a prosperous fortune, a gracious inclination, he was magnifick in his port, full of all humility and other noble qualities; by all these qualifications a certain learned person describes him. It is said of him that in ffrance he killed a boare and took off its head, which is the reason why the Earl of Argyll hes a boar's head in their armes: he was of so great account that he got the highest match in the Kingdom for the tyme viz. Marjorie Stewart the daughter of Robert Duke of Albanie who was Governor of the Kingdome under his brother King Robert the 3rd, being the 2d King of the Stewarts, but in effect this Robert his brother was King except as to the name only. If it be asked how it came that both the King and his brother were called Robert, it is answered that Robert was the Governor's cristned name and the King was christned John but on his coronation he changed his name and called him Robert as being supposed a more fortunat name to their Kings and therefore he was nicknamed Robert John fernzier.¹ This Lady was of the blood royall being Robert the 3rd his brother's daughter and grandchild of Marjory Bruce (of whom he had his name) daughter to King Robert the Bruce by whom the Crown came to the Stewarts. Duncan Nanadh begott on this noble Lady tuo sons and a daughter, his sons were Archibald Roy who succeeded him in the estate and Coline² who was afterward called Sir Coline Campbell of Glenurchie and was nicknamed Callen Dubh na Rhoime that is black Colin of Rome because he travelled to Rome. He was one of the most illustrious Knights of his tyme; he married Margaret³ Stewart eldest daughter to the Lord of Glenurchy.

¹ Fernyear—farneyeir, last year. Robert John Fernzier thus means Robert, who last year was John. See Hailes's *Annals*, ii. p. 282. Jameson's *Scottish Dictionary*, *sub voce* Fernyear.

² According to the *Scots Peerage*, vol. i. p. 331, Colin of Glenurchie was a son of the second marriage.

³ MS. *B* calls Glenurchie's wife Isobell, but there is charter evidence for the fact that Isobell was Countess of Argyll.

* but cf. Highland Papers Vol. IV, p. 63.

Lorn for the tyme; this Margaret Stewart built Castle Celchuirn in the head of Lochow in her husband's absence at his travells, who when he returned became tutor of his Brother's son the young Earle of Argyll as we shall hear. He built the town and house of Inveraray, the marble tower which was afterward enlarged by the addition of the Jamb and other great buildings.¹ This Knight of Glenurchy was four tymes married and lived 100 years. This for the first mariage of Duncan Nanadh; and for his 2d his 2d mariage. the sd Duncan Nanadh married Margrat Stewart daughter to Sir John Stewart of Ardgowan (now called Blackhall) who was naturall son to King Robert and had many sons of her viz. Duncan Campbell of whom the Auchinbreck. house of Auchinbreck and many families of it, who are therefore called Sliochdonochie that is Duncan's offspring.² Neill Campbell of whom the Laird of Ellangreig, and Archibald who was the first Laird of Otter of whom the house of Otter in Cowall hes descended. This Duncan Nanadh³ was contemporaneous with King Robert the 3rd who was the 2d King of the Stewarts crowned anno 1390, and with King James the first who was crowned anno 1424.

Archibald Roy Campbell eldest son to Duncan Nanadh (being grand child to Robert the Governor duke of Albany as sd is) the house of Argyll is descended of the blood royall of Scotland, he was called also Archibald Roy of Killbride because he was fostered in Killbryde near to Inveraray. I suppose he lived but few years yet in that tyme he gave

¹ 'He built the tower called the large Tower of Inveraray (as there was another tower called the Little Tower), which large tower had then a battlement, but wanted the Jamb' (MS. B). From this time onwards Inveraray became the chief seat of the Earls of Argyll instead of Inchconnel, their island fortress in Lochaw, although the latter still remained the chief messuage of the barony of Lochow.

² 'The Knights of Auchenbreck are heretable colonells of Argyll, and hold the right hand under Argyll, which honour they procured by their gallant behaviour in the war with the MacDonalds of Kintyre' (MS. B). There is an interesting genealogical account of the Campbells of Auchinbreck and their cadets in the Advocates' Library (MS. 34.6.19).

³ On May 21, 1424, Duncan, Lord of Argyll, is mentioned as confined in Fotheringay Castle. He was one of the hostages for payment of the ransom of James I., by whom he was afterwards made a Lord of Parliament.

his 2d mariage.

Auchinbreck.

Ellangreig.

Otter.

27. Archibald
Roy of Kill-
bryde the first
Earle.

proof of an undaunted spirit and was a terror to his enemies, he herried some of the Isles and particularly the Isle of Man out of which he took a very great booty; he delighted much to be a chiftain and leader of men; He is reckoned by some to be the first Earle of Argyll though others reckons his son to be the first Earle, yet I find in William Wallace his book that some of them are designed Lords which was about 150 years before this. He married Dame Elizabeth Somervell daughter to the Lord Somervell of whom he had one son called Coline.

Coline son of Archibald Roy Campbell is reckoned by some to have been the first Earle (though others reckons his father so as sd is) he is also reckoned to be posthumus natus born after his father's death, however he was an Infant after his father's death and fell under the tutory of his uncle Sir Coline of Glenurchy, whose knyndness and fidelity to his pupill is exemparly remarkable. This Sir Coline of Glenurchie (of whom descended the Knight of Laus,¹ the present Earle of Lawdown, and the present Earle of Bredalbin and Glenurchie who is heir in lyne) married Margaret Stewart eldest daughter of the then Lord of Lorn (of whom the Laird of Appine and Stewarts of Appin descended by a naturall son) and having thereby obtained the third part of Lorn and the superiority of whole Lorn, the other tuo parts of Lorn being the portions of his other tuo daughters, and so soon as Earle Colin his pupill became mariagable he procured to him for his Lady Isobella Stewart his own sister in law by whom he obtained the next third part of Lorn as the Laird of Otter got the third daughter and the other third part of Lorn, and albeit the sd noble tutor had the chief place and superiority of Lorn by the eldest daughter, yet he moved her to consent that they together with one consent would resign the lands into the King's hands in favors of his pupill Earle Coline, that his pupill and Isobella² Stewart might hold them in chief of

Coline Earls
and Chan-
cellor.

Glenurchy's
fidelity to
his pupill.

his marriage.

¹ Lawers.

² As already stated MS. *B* gives Isobell as the name of Glenurchie's wife. The daughter who married Argyll is there called Margaret and also Marvale na-ridaghri (?) 'for her inclination to Rhyming.'

18

the King and he and his Lady took them back again holden of the Earle of Argyll his pupill and nephew, and so they stand this day, and the other third being resigned to the Earle in excambion with the estate of Otter whereby the superiority of all Lorn came to the house of Argyll, by which a considerable addition was made to the house of Argyll,¹ as also by the accession of Castle Glowm now called Campbell² and many other lands obtained in this noble Earle Colin's tyme. This Earle was also made Chancellor of Scotland and great master of the King's housse etc. see before of Coline Maolmaith 12 or 13 generations before this, so that now they had many honorable designations as Earles of Argyll, Lords Campbell and Lorn, Justice Generall, masters houshold to the King, and Chancellor³ of Scotland. This Earle Coline had by this Lady Isobella Stewart one son called Archibald, and many daughters viz. Isobella the eldest, being Lady of the Isles, Elizabeth Lady Oliphant, Mary Lady Seatoun, Helena Lady Eglington or Montgomrie, Marjory Lady Drummond, and

Lorn falls to Argyll.

divers titles.

his children.

¹ The real facts are somewhat different. On the death of John, Lord Lorne, in 1463, he left three daughters, and a son Dugald, whose legitimacy was disputed. Lorne, which was a male fief, went to Walter Stewart, next brother of John. Castle Gloom and certain other estates went to the daughters as heirs portioners, and it would seem from a charter of June 20, 1452, that the barony of Innermeith and other lands were also destined to heirs general. Walter Stewart, Lord Lorne, came to terms with his niece's husband, with the result that Argyll obtained the lordship of Lorne while Walter was created Lord Innermeith and retained possession of that barony. Castle Gloom and some, at least, of the lands which went to the daughters, were acquired by Argyll under some other arrangement. Dugald Stewart in the long run got Brae Lorne or Appin. Glenorchy seems to have got a considerable share of Lorne held of Argyll. Campbell of Otter does not appear to have got anything. For further information as to Castle Gloom the reader is referred to an article by the Duke of Argyll on 'The Castle Campbell Inventory' in *The Scottish Historical Review*, vol. x. p. 299.

² 'Feb. 3, 1489-96.—Owr Sovereane lord of his Riale autoritie at the desire and supplicacioun of his cousing and traist counsalar Coline, Erle of Ergile, lord Campbele and lorne his chancellare has chengit the name of the castell and place quhilk wes callit *the Gloume* pertenyng to his said cousing. And in this his present parliament maks mutacioun and chengeing of the said name and ordinis the samyn castell to be callit in tyme tocum *Campbele*' (*Act. Parl. Scot.*, vol. ii. p. 222).

³ The office of chancellor was not hereditary.

x. i. mailgneach ?

THE GENEALOGIE OF THE CAMPBELLS 99

Catharin Lady Mull, which Catharin to her second mariage married Donald Gorm McDonald the principall and bravest gentleman for the tyme of that sirname in the Isles.

Archibald son to the sd Colin the Chancellor was also Chancellor of Scotland after his father, he married Dame Elizabeth Stewart daughter to John Earle of Lennox, and begat of her a renowned brave son a valiant captain a great justiciar and worthie Counsellor as ever this land afforded called Coline of Carrick designed also Callen Meallach that is Colin Lumpibrow, because when his wrath was kindled a lump gathered in his brows. He begot also John Campbell (of whom is Sir Archibald Knight of Caddall), Gillespig Bane alias fair the first Laird of Skipnidge¹ (but the present family of Skipnitch are of the house of Ardkinglass), another son was Donnald Abbot of Couper of whom the house of Kethick in Angus, and many daughters viz. Jonet Lady Atholl, Mary Lady Isla, Elizabeth² Lady Mull,

29. Archibald.

his mariage and offspring.

Caddall.

the old house of Skipnidge.

Kethick in Angus.

¹ His wife Janet Douglas, widow of John, sixth Lord Glamis, it will be remembered, was burned on the Castlehill of Edinburgh on a false charge of attempting to poison King James v.

² A note on the MS. says: 'M'Lain did put her off for which Caddall killed him.' MS. B has a much fuller account of the behaviour of the Macleans to the lady and her nephew. She was exposed, it says, 'upon a bare rock in the sea named Leisker, near Leismore, in view of the Castle of Dowart that she might perish by the return of the tide. But people from on board a boat, providentially passing that way, upon hearing the crys and shouts of the lady in distress took her on board and restored her to her friends. Also at the same time these very men that were employed to expose the lady to the mercy of the sea Returned to Dowart Castle, where John Gorm, the first of the family of Lochnell, a Boy of three or four years of age, was with his aunt, the Lady MacLean (whom they had left upon the bare rock); and as soon as they had entered the Castle of Dowart they kindled up a great fire in the middle of the hall floor and formed themselves into a circle around the fire, and caused strip the Boy John Gorm naked, and placed him betwixt them and the fire, when the Boy by reason of the heat was forced to run round the fire, whilst each of them as he passed within the circle rubbed his naked skin with an hot toasted apple, which occasioned blue spots on the Boy's skin ever after, for which reason he was called John Gorm, *i.e.* Blew John. His nurse, tho' she ran into the Hall in a furious manner, could not enter the circle to preserve the Child's life, until by means of one MacGilvra of Glencannell, who had more humanity than the rest, and who as they stood in a circle with their feet closs opened his Leggs a little (for he durst do no more for fear of suspicion), she rushed through betwixt the man's Leggs and entering the circle snatched up the boy and carried him off straight to the shoar which is hard by the walls of

*

Margaret Lady Erskin, Isobella Lady Cassells and Massa Lady Toward or Lamont, all these were children to Earle Archibald and brothers and sisters to Earle Coline Lumpibrow. This Archibald was slain with King James the 4th at fflowdown fight anno 1513.

Earle Coline of Carriek or Lumpibrow succeeded to his father Earle Archibald, was a man of great action and a valiant captain, Buchanan speaking of his family was prudentia clarus perspectae in bello virtutis et ob justitiam vulgo carus, Buchanan pag. 503 and 513 ; King James the 5th in his youth hating the Hamiltons for the slaughter of John Earle of Lennox, and detasting the Dowglasses who were very mighty was forced to use the counsell and power of this noble Earle and that made him Lieutenant of Merse, Tivitdale, Lauderdale, and all the provinces of the South, to expell the Dowglasses from the Kingdome, which he atchieved wisely and valerouslie to the King's great contentment. The ampleness of his Commission to this effect may be found in the Earle of Argyll's Chartor chest, see Holinshead in his history of Scotland upon the year 1528 ; and 1529 ; page 316 and 317 ; This Coline Lumpibrow married Jonet Gordon daughter to the Earle of Huntly, on whom he begot Archibald Oig called Roy and John Gorm the first of the family of Lochnell, and Mr. Alexander Campbell Dean of Murray who had no succession.

Archibald Roy Oig married Helena Hamiltone daughter to the Earle of Arran (now Duke of Hamilton) of whom he begott the worthy Earle Archibald Donn that is brown from the colour of his hair ; he was the principall reformer

the castle, when finding a Boat at hand they made their escape, and providence so ordered matters that John Gorm and his nurse were out of danger before their enemys had full room to reflect upon their flight, for which causes the Laird of MacLean was killed at Edinburgh by John Campbell, the first of the family of Calder, brother to the Lady MacLean, and uncle to John Gorm, the first of the family of Lochnell, who as soon as he saw the Laird of Maclean He thrust his sword, sheath and all, through his body.'

'Those things gave rise to a song composed in those days ("Take up MacLean and prick him in a Blanket"). The Lady MacLean was married afterwards to Archibald Campbell, Laird of Auchinbreck, to whom she bore John Campbell, called John Ayrach, because he was nursed in Glenayray. He was the first of the former house of Stronderer in Knapdale.'

30. Colin Lumpibrow.
his character.

expells the Dowglasses.

his mariage.

Lochnell.

31. Archibald Roy Oig.
1st mariage.
Archibald Donn.

X

of the Church of Scotland from popery. 2dly he married the Earle of Monteith's daughter called Lady Margaret Graham of whom he begat Coline called Teach¹ that is Coline of Monteith who was afterward Earle by succeeding to his brother Archibald Donn, of this 2d mariage he had tuo daughters viz Jonet Lady Dowart and Margaret Lady Down.² He had a naturall son called Coline Craignassich who married his own cousin being heretrix of Craignis of the old house of Barbreck, whereby the sd Colin Craignasich became Laird of Barbreck since³ (*vide ante* of Coline Iongantach father to Duncan Nanadh).

the present house of Barbreck.

Earle Archibald Donn of famous reformatione whom Buchanan in Indice and page 591 calls praecipuus auctor insturandiae religionis, married first Lady Jean Stewart naturall daughter to King James the 5th and sister to Queen Mary (she held up King James the 6th to baptism),⁴ 2dly he married Lady Jean Cunninghame daughter to the Earle of Glencairn; he had no lawfull male children, whereby his estate came to his brother Colin Teach then Knight of Buchanan. He had a naturall daughter who was first married to mcIntoish and afterward to Sir Donald Campbell of Ardnamurchin, and he had a naturall son

^{32.} Archibald Donn.

¹ Better known as Colin Campbell of Boquhan.

² Lady Doune, mother of the 'Bonnie Earl of Moray.'

³ *Vide ante*, p. 94.

⁴ She was proxy for Queen Elizabeth. For her action she got into serious trouble with the Kirk, as appears from the following excerpt from the Records of the General Assembly. The Chapel Royal of Stirling was appointed for the performance, probably because it was there that the baptism had taken place.

'SESS., 5th December ultimo, 1567.

'Anent the complaint given in against my Lady Argyle, declaring how sche once being at the table of the Lord Jesus and professing his Evangell, had revolted therefrae, in giving her assistance and presence to the baptizing of the king in ane papisticall manner. The said lady being present, grantit that she had offended to the Eternal God, and been ane sclander to the Kirk in committing the premises and therefore willingly submitted herself to the discipline of the Kirk and discretionne of them. Therefore, the Kirk ordaines the said lady to make publick repentance in the Chapell Royall of Stirling, upon ane Sunday in tyme of preaching; and this to be done at sick tyme as the Kirk hereafter shall appoint to the Superintendent of Lowthiane provyding always it be before the next Assembly' (*Booke of the Universall Kirk*, p. 73).



Killmun.

John Provist of Killmun, more of him and his successors ye may see in the history of their own tymes.

33. Coline Teach brother succeeded.

Coline Teach brother to the sd Archibald Donn and son of Archibald oig roy or young Archibald roy of the 2d mariage who was first Knight of Buchannan¹ succeeded to his brother in the estate, married the Earle of Marshall's daughter and begot of her Archibald Gruamach who succeeded him in the estate; he had also a son called Coline of Lundie.

34. Archibald Gruamach. his tuo mariages.

Earle Archibald Gruamach that is frowning married first the Earle of Mortoun's daughter of whom he begot Archibald who was Marquess of Argyll, and some daughters, Lady Huntly, Lady Ceanmore, Lady Skelmurly etc. 2dly he married an English Lady called ²[*blank in MS.*] of whom he had Lord James who was designed Lord of Kintyre who died abroad.³ He had also some daughters who lived bejoynd sea in nunries. He had a naturall daughter called Anna who was second wife to Sir Donald Campbell of Ardnamurchin.

Lord James.

Archibald Marquess of Argyll succeeded to his father who deceased in England anno 1638. He married Lady Margaret Dowglass daughter to the Earle of Mortoun his own cousin german, and of her had tuo sons, Archibald designed Lord Lorn (as the airs of that ffamily have been designed for many ages before) who succeeded him, and Lord Neill Campbell of Ardmaddie and Nether Lorn; he had also daughters Lady Anna Campbell, Lady Mary who was first Countess of Caithness and again Countess of Bredalbin, Lady Jean Campbell Lady Carres⁴ and Lady Isobella Campbell.⁵

35. Archibald Marquess.

Earle Archibald Campbell succeeded to Archibald Marquess his father after the foirfature of his said father, and that under the title of Earle of Argyle, Lord Campbell,

36. Archibald Earle.

¹ Boquhan.

² Anne, daughter of Sir William Cornwallis.

³ James, created Lord Kintyre when a child, afterwards created Earl of Irvine. He appears to have died in England (vide *Scots Peerage*, vol. v. p. 25).

⁴ Lady Lothian.

⁵ He was forfeited and beheaded in 1661.

Lorn, and Kintyre, heretable Shirreff principall of the shyre of Argyll, Justice Generall of the Isles and Great Master household to the King etc. He was first [married to Mary Stewart] daughter to the Earle of Murray of whom he had diverse sons, Archibald Lord Lorn, Masters John, Charles, and James Campbells, and daughters Anna Campbell Lady Mait[land, Lady Jean Camp]bell being now Lady Newbottle as being married to my Lord Newbottle, eldest lawfull son and air to my Lord Lowdian Carr.

To his 2d mariage he had Lady Anna mcKenigh only daughter to Earle Coline mcKenigh of Seaforth, who was first married to my Lord Balcarras, to whom she bore the present Lord Balcarras and daughters Lady Sophia Lindsay and Lady Henrieta Lindsay present Lady of Auchinbreck ; she had no children to the Earle of Argyll.¹

Ffor what may be desiderat in the former account especi- ally before the tymes of Wallace and King Robert the Bruce must be referred to the tradition of these tymes and to what old papers may be extant of the antient professors of genealogies ; and since the Bruce his tyme wee referr the reader to the history of these tymes and to the honorable commissions Grants and letters of approbation past by the Kings of these respective tymes in favors of the foresd honorable ffamily.

(Two autographs are cut out from here.)

What follows is taken from MS. B.²

XL. Archibald, Earl of Argyll, was succeeded by Archibald, his son, a man eminent for quickness of apprehension, justice, and of undaunted courage, remarkable for his liberality, popularity and magnificence, one of the great props of the Protestant Reformed religion in the days

40. Archibald,
XXIVth.
Campbell,
XVth.
M'Callenmor,
1st Duke.

¹ He was forfeited in 1681 and beheaded in 1685. A good deal of information with regard to the intrigues against him is collected in *Sir George Mackenzie*, by Dr. A. Lang. See also *A Scots Earl in Covenanting Times*, by the Rev. Dr. Willcock.

² This MS. is 34.5.22 in the Advocates' Library, *vide ante*, p. 70.

of King James the Seventh, in whose reign his father Earl Archibald suffered for the cause.

In the beginning of King William's reign he raised a regiment in his own name who served in King William's wars in Flanders.

In the later end of this King's reign, he was created Duke of Argyll, Marquise of Kintyre and Lorn, Earl of Campbell and Cowall, Viscount of Lochow and Glenyla, Lord Inveraray, Mull, Morvern and Terij,¹ Heretable Justice General of the Shire of Argyll, Isles and others thereto belonging, Heretable Lord Lieutenant and Sheriff of the said Sherifdom, Heretable Master Household to his Majesty in Scotland, and Knight of the most noble order of the Garter.

He married Dame Elizabeth Talmash, daughter to Sir Lionell Talmash of Herlingborie,² and to Elizabeth, Countess of Dysart, Dutchess of Lauderdale, daughter and heir to William, Earl of Dysart, by whom he had John, Duke of Argyll and Archibald, Earl of Islay. He had also by her one daughter named Lady Ann Campbell, Countess of Bute, mother to John, the present Earl of Bute, and to James Stewart Mackenzie, Esqr. of Rosehaugh.

This Archibald, first Duke of Argyll, died at London *Anno* 1703, and his corps with his father's which lay at Newbottle since his death in 1685 being eighteen years were carried together to Kilmun and interred there in Duncanna-adh his tomb being the burial place of the family.³

XLI. John, Duke of Argyll and Greenwich, was born at Inveraray the tenth day of October 1680, and succeeded to the estate and all the good qualifications of his predecessors, a well made man of unexpressible dignity of aspect, of unimitable eloquence, his expression noble, strong and moving, abounding in wisdom, probity, pru-

¹ Patent dated at Kensington, June 23, 1701, with remainder to his heirs male whomsoever.

² Helmingham.

³ See article by the Duke of Argyl in *Scottish Historical Review*, vol. x. pp. 29 *et seq.*

41. John,
xxvth.
Campbell,
xviii.
M'Callenmor,
and Duke.

dence and moderation, frugality and publick spirit of zeal, unbiassed for the interest of his country, valiant, and of exalted courage.

When but seventeen years of age he was made Colonell of a regiment. He was at the battle of Ramilies, at the siege of Menim, took the ffort Pleasandale, was at the siege of Ostend, at the battle of Audenard, took possession of Lisle, Ghen, Brussles, Brudges, and Mastrict, and was present at all or most of the battles in Flanders during Queen Ann's wars.

He was made General of the British fforces in Spain, and Ambassador Extraordinary to Charles the Second of that kingdom, who was afterwards Emperor of Germany.

He had commissioners who managed his estate while he was abroad.

He was made Lord High Commissioner of the Scots Parliament when Commissioners from Scotland were appointed to meet Commissioners from England to treat of an Union betwixt the two kingdoms which was happily concluded in the next and last Parliament of Scotland, and this Union commenced from May the next year 1707.

He was a Peer of Great Britain by the title of Earl of Greenwich and Baron of Chatham,¹ and was afterwards created Duke of Greenwich.²

His titles as now insert in some charters granted by him of late run thus—

‘ Joannes Argatheliæ et Greenovici Dux, Marchio de
 ‘ Kintyre et Lorn, Comes de Campbell, Cowall et Green-
 ‘ wich, Vicecomes de Lochow et Glenyla, Dominus de
 ‘ Inveraray, Mull, Morvern et Tirij, Baro de Chatham,
 ‘ Hæreditarius Justiciarius Generalis, Vicecomitatus Ar-
 ‘ gatheliæ, Insularum aliorumque ejusdem Vicecomitatus
 ‘ Locumtenens et Præfectus Juridicus Hæreditarius, Magnus
 ‘ apud Scotos Hospitii Magister ibidem Hæreditarius,
 ‘ copiarum Britannicarum Mariscallus, tormentorum bellie-
 ‘ orum Magnæ Britaniæ Præfectus, inter fines Commitatus

¹ November 26, 1705.

² April 30, 1719.

‘ Argatheliæ Insularumque Scotiæ occidentalium Admiralis
 ‘ S. D. N. Regis a Sanctiaribus Concilij ac nobilissimi
 ‘ ordinis auratæ periscelidis Eques.’

See the Memoirs of the life of the late John, Duke of Argyll and Greenwich, in *The Scots Magazine* 1749, pages 366 and 367, vol. xi., and the description of his Grace’s Monument and the inscription on it above, page 220 of ditto.

He commanded the King’s fforces in Scotland and defeated the rebellious clans at Sheriff Muir near Stirling (who had invited over the Pretender and joined him) in November 1715.

He caused build and slate a house two storys and garret having a jamb with a small Court in 1720, 1721, and 1722, wherin he lodged several times ; that being a paralel to the other Old Court where the Sheriff then lodged, because the high Old Tower built in *Anno* 1440 was turned ruinous and so was the Litle Tower (adjoining the jamb betwixt the two), the place wherein he was born, both which houses and Courts with all the other office houses, stables, coach house, Lowland Church and whole slate houses contiguous to the Court were demolished by John the ffifth Duke of Argyll, as too nigh to the Palace and unseemly to be looked upon beside it, in 1770 and 1775 and interveening years.

He caused build a great many stone and lyme dykes surrounding Coulfochan which he called Beauchamp Park, from thence by the shoar to the Stable Park, and inclosing it and surrounding the garden furside of the river and Carnbane, and to the Town, and betwixt the Town and Wintertown and amongst the shoar to Cromall Burn inclosing the ffisherland Park, a great part of which stone and lyme dykes were thrown down in 1775 and preceeding years and sunk fences built in lieu therof, much pretier for adorning the Policy than high dykes.

He also caused begin the improvements in the ffisherland Park, and other places, and make large ditches for draining the grounds in the ffisherland Park below the Wood, from the head of the Wintertown to Bararay in 1720 and subsequent years, and at the same time he caused plant

firs, beech, elm, ash, etc. upon the face of the Hill and round Dunqueach as far as the north end of the Dowloch from the nurserys raised in the Low Garden and Carnbaan, and also upon the black hill above the Wintertown which planting was carried on from 1720 till 1743 inclusive.

He married first Dame [Mary] Brown of the Duke of Montague's ffamily by her ffather, and niece to Sir Charles Newcomb [*sic*],¹ Lord Mayor of London, by her mother, who died *sans* issue, and after her death he married Dame Jane Warburton, daughter to ² Winnington in Cheshire, Esqr. (one of the Ladys of Honour to Queen Ann of the Warburtons of Arley in Chesshire who was knighted 24 June 1660) by whom he had several daughters whereof three are now living, all beautifull and well accomplished Ladys, viz^t Lady Carolina, married first to [Francis] Scott, Earl of Dalkeith, son and heir to the Duke of Beaucleugh in Scotland, Lady Ann married to Wentworth, Earl of Strafford, Lady Betty ³ and Lady Mary.⁴

His mother's lands in Kintyre the purchase she had made in Kintyre were after her death sold to Alexr. M'Millan of Dunmore, as was also Wester Didistown her property (on account of debts she owed to his Grace by intromission with his rents as one of his Commissioners while abroad) sold to Commissioner Vaughan.

He died at Sudburg near London 4th October 1743 in the 63 year of his age and was burried in King Henry the Seventh's Chappell in Westminster Abby the 11th October 1743.

He was cotempory with King William, Queen Ann, and Georges First and Second, Kings of Britain.

XLII. Archibald succeeded to his brother John, Duke of Argyll and Greenwich, in the estate of Argyll in November 1743. He was formerly designed Archibald, Earl

42. Archibald,
XXVith.
Campbell,
XVIIIth.
M'Callenmor,
11rd Duke.

¹ Duncombe.

² Thomas Warburton of Winnington.

³ Married to her cousin James Stuart Mackenzie of Rosehaugh, Lord Privy Seal of Scotland.

⁴ Well known as Lady Mary Coke, having been married to Edward, Viscount Coke.

of Ilay, Viscount of Dunoon, Oronsay and Aross. A great statesman and lawyer, exceedingly well acquainted with the Constitution of Great Britain, both in Church and State, Justice General of Scotland during life, one of the Extraordinary Lords of Session, one of the Most Honourable Privy Council, one of the Regents of Great Britain in the King's absence, and Deputy Lord High Treasurer of his Majesty's revenues with Sir Robert Walpole.

The Heretable Jurisdictions in Scotland being abolished in favours of the Crown, the military were employed at making of new roads from Dumbarton to Inveraray for the Lords of Justiciary to come to Inveraray and hold Circuit Courts of Justiciary in spring and autumn yearly thereafter, which roads were almost finished in 1748, and a large bridge at the same time built upon the foot of the Garran water, which being undermined by a great speat fell and a new bridge built in that same spot which stands.

He then caused build the Great Inn in the ffisherland in order to entertain and accomodate the Lords of Justiciary, assizers, and the leidges, and such quality as might come to pay visits to the ffamily of Argyll.

The foundation of the great Building or Palace¹ was digged in *Anno* 1744, and that winter Prince Charles landed at Loch Moydart.

The modell of the Building was brought down from London, and the foundation of the Building laid in part in *Anno* 1745, and the hewing began and St. Catharine's blew stone quarry broke up: but the work was interrupted that year by reason of the Rebellion untill summer 1746.

He caused raise the Argyleshire Militia in winter 1745, which were commanded by Lieu^t General John Campbell (afterwards Duke of Argyll and by Col^l John Campbell his son, also Duke of Argyll after his said ffather's death), which Militia went to Culloden in spring 1746 alongst with the army commanded by William, Duke of Cumber-

¹ The present castle of Inveraray.

land, and in winter 1745 the Gray hound Man of War came to Inveraray with money to pay the Militia.

A pretty Physick Well built in the Meadow.

A pigeon house built in north end of the Meadow.

The miln of Carlundon built, stone lime and slated.

The square court in Cherry Park built.

The new bridge on the water foot begun.

The bulwark on the shoar begun.

A spire or steeple built on the top of Dunqueach.

A court and office houses built at Tombreck, the Derry.

The new garden wall at the Barns carrying on.

The fine bridge in the Low Garden finished and the water brought in pipes to the building, etc. alongst it.

He caused raise a nursery of sundry exoticks, and had vast numbers of them planted out on the Strone hill, thro' the parks and everywhere within the inclosures which begin at Garron Bridge, run alongst Stronshira hill to Kilblaán in Glenshira, cross the water at Stuckscarden, runs alongst the hill to Upper Kenchregan in Glenaray, incloses the Miligarve, part of Kilmun, the two Ballintyres, Benan, Larkanluig, Kylibraid, and the ffarms of Auchenbrack and Bavorack and ends at Douglas water.

The improvements and agriculture in the ffisherland and elsewhere carried on vigorously and sunk ffences built dividing the ground into plots.

In the year 1756. etc. he procured commissions for many of his friends and for several others, who had been concerned in the Rebellion 1745, who served for some years in the wars in America and at Havana till the capitulation in 1761.

The new garden wall at the Barns finished.

The titles as in some charters¹ granted by him run thus: Archibald, Duke of Argyll, Marquise of Kintyre and Lorn, Earl of Campbell, Cowall and Islay, Viscount

¹ As superior of various forfeited estates he directed charters to be made out in favour of the old vassals. 'His man of business having drawn up an elaborate preamble stating his motives, he, like a real great man, dashed it out and wrote on the margin with his own hand, "And seeing I wish to do to others as I would be done by, therefore," etc.' (*Scotland and Scotsmen in the Eighteenth Century*, vol. ii. p. 478, note).

of Lochow, Glenilay, Dunoon, Oronsay and Aross, Lord Inveraray, Mull, Morvern, Tirij, Dunoon, Oronsay and Aross, Lord Justice General of Scotland, one of the Extraordinary Lords of Session, and one of the Most Honourable Privy Council.

He was cotemporary with Queen Ann, King George the First, and King George the Second.

He married a beautyfull English lady, who lived for the most part with his mother and died without issue.

He had a natural son by Mrs. Williams named William Campbell who came once to Inveraray with him, and who it's said enjoyed his Grace's moveables at London.

He died at London in [April] 1761, and was brought down in great pomp and burried in Kilmun, the burial place of the ffamily.

XLIII. Lieutenant General John Campbell was son to Mr. John Campbell of Mamore, who was second son to Archibald the eighth¹ Earl and brother german to Archibald the first Duke of Argyll; he succeeded to Archibald the third Duke of Argyll and to the estate of Argyll in *Anno* 1761, but as he hapened to be an old man he enjoyd the estate only a few years.

He was cotemporary with Queen Ann, and with Georges First, Second and Third, Kings of Great Britain.

He married Dame [Mary] Bellendine, daughter to Lord Bellendine, and had by her three² sons, viz^t John who succeeded him, and Frederick³ and William. He caused carry on the bulwark upon the shoar and the improvements in the ffisherland and other places, and the planting.

He died at London in *Anno* [1770] and was brought down and burried in Kilmun the burrial place of the ffamily.

XLIV. John, Duke of Argyll, succeeded to John, Duke of Argyll his ffather, in the estate of Argyll. He was

¹ The ninth earl.

² There were two other sons.

³ Lord Frederick Campbell, the Lord Clerk Register, who did so much for the National Records of Scotland. His portrait by Raeburn appropriately adorns H. M. General Register House in Edinburgh, of which he laid the foundation stone in 1771.

43. John,
xxviiith.
Campbell,
xixth.
M'Callenmor,
ivth Duke.

44. John,
xxviiith.
Campbell,
xxth.
M'Callenmor,
vth Duke.

married to Dame Elizabeth Gunning, Dutchess Dowager of Hamilton, one of the Ladys of Honour to Her Majesty Queen Charolete. He had by her [three] sons and [two] daughters. The eldest son named [George John] died at Roseneath. The second son George William Campbell, Marquise of Lorn, a very pretty hopefull young nobleman. The eldest daughter named Lady Augusta Campbell. The second daughter named Lady Charolete Maria Campbell.

He was cotemporary with Georges the First, Second, and Third, Kings of Great Britain.

He commanded the Argyleshire Militia alongst with his ffather in 1745 and 1746.

He also commanded the regiment of ffencible men of Argyleshire raised in 1756.

And is Commander in Chief of His Majesty's fforges in Scotland and garisons in North Britain.

He caused throw down the large old high Tower built in *Anno* 1440 and all the office houses and Little Tower which were contiguous to the Palace, the Physick Well in the Meadow, the Lowland Kirk, the Old Tolbooth and the Cross, the tenement contiguous to the Kirk and Tolbooth, the tenement of houses below the Brae, the stable, coach house, old office and court therof, all in the years 1771, 72, 73 and 1774. In 1775 demolished the new office and court therof, Provost Campbell's, Arch. M'Lean's, Provost Duncanson's, Dugald Murray's, and John Colquhoun's tenements, and all the office houses belonging to them in 1776. The new bridge upon the water foot finished in 1776; he built several large houses in the New town in 1774, 75 and 1776, a large barn and a large storehouse in the Maltland and several houses for accomodating tradesmen and labourers joined to the high wall of the garden, and stables for his work horses and labouring oxen, he also built a very large barn and stable at the forend and backside of the long row of houses in the ffisherland and is still carrying on and building houses of two stories and garrets and three stories and garrets for enlarging and beautifying the Burgh and making it regular and uniform, the old Town being now mostly demolished in 1776.

WRITS RELATING CHIEFLY TO THE
LANDS OF GLASSARIE AND THEIR
EARLY POSSESSORS

INTRODUCTORY NOTE

IN the following pages are printed a number of writs relating chiefly to the lands of Glassarie in Argyll, or to their early possessors. They cover the period from 1240 to 1672, and are interesting on various grounds. Some are instances of the early use of the vernacular in legal documents, while others are of genealogical and historical value. Three have been reproduced in facsimile because of their unique character. The import of each writ is briefly stated in English, and notes are added when these seem likely to be of use. This short introduction will, it is hoped, also assist the reader to follow them in a general way. If among the members of the Society there should be any to whom the perusal of such writs is uninstrucive or even tedious, it is hoped that they will find less technical and more congenial reading in other parts of the volume.

Alexander II., who died in Kerrera in the year 1249, had devoted a good deal of attention to the consolidation of his power in the west, and he was apparently successful in imposing his claims on the local magnates.¹ The first writ printed is a charter by this king, dated at Stirling 1st August 1240; and so far as can be ascertained it is the oldest Crown charter, and perhaps even the oldest writ of any kind now in existence, dealing with lands in Argyll.² By this typically feudal writ the lands of Fyn-

¹ Robertson's *Scotland under her early Kings*, ii. pp. 8 *et seq.*

² This writ raises a number of interesting questions, some of which are dealt with in the footnotes, and in a separate Memorandum, *post*, p. 227.

charne and others, situated both in Glassarie and in Cowal, are confirmed to Gillascop MacGilcris—a typically Celtic name, apparently the existing owner. He had a brother Ewen who possessed lands seemingly marching with some of those contained in the charter, whose descendants appear later on in Nos. VIII. and XIII. as having been forfeited, but no further information regarding him exists.

In 1292, for the peace and stability of the Realm, as it is said, three sheriffdoms were erected or revived by King John Balliol,¹ and styled respectively Skye, Argyll, or Lorne, and Kintyre. That of Argyll or Lorne comprehended ‘Terrae Kinnel Bathyn, Ardenmurich. Botheleue. Terra ‘Alexandri de Argadia. Terra Johannis de Glenurwy. ‘Terra Gilberti M² . . . Terra Malcolme M³Iuyr. Terra ‘Dugalli de Craginis. Terra Johannis M⁴Gilcris. Terra ‘Magistri Radulphi de Dundee. Terra Gileskel M⁵Lach[lan]. ‘Terra comitis de Menteth de Knapedal. Terra Anegusii ‘filii Douenaldi Insularum et Terra Colini Cambel.’ It is possible to identify most of these names, and there is no doubt that the lands held in 1292 by Mr. Radulph of Dundee are those which had been confirmed to Gillascop MacGilcris in 1240.

The origin of this Mr. Radulph or Ralph is uncertain. Dr. Skene³ says that ‘he was a Scrymgeour, whose ancestor had received a grant of Glassarie from Alexander the Second,’⁴ but there is no foundation for this statement. As will appear later, even if the name of Scrymgeour was in existence in 1240, the connection of the Scrymgeours with Dundee did not begin till after that date, and they had no connection whatsoever with Glassarie till 1374. Mr. Ralph

¹ *Acta Parl. Scot.*, vol. i. p. 447.

² Dr. Skene gives MacNaughton, *Celtic Scotland*, iii. pp. 88 note, 478 note.

³ *Celtic Scotland*, iii. p. 89.

⁴ This same mistake is made in his *Account of the Clan Iver*, Aberdeen, 1873, by Principal Campbell, who also seems to believe that the MacGlasraichs, as he calls them (p. 7), were MacIvers, and were of the same stock as the MacEwens.

first appears in 1284 as receiving from Alexander III., who designs him 'clericus noster,' the half carucate of land in the territory of Rath, which had previously pertained to a certain Robert Wyseard, the son of Utringus, known as *Castball*.¹ On 25th September 1286 he was on an inquest appointed to decide a dispute as to the marches of certain pasture lands within the tenement of Panmure.² Prior to 1293 he had acquired the lands of Benvie and Balruddery from Christina de Valoniis, the mother of William Maule of Panmure, who confirmed his tenure in that year;³ and he also was cautioner for William Maule, who seems to have been speculating in wool.⁴ In 1294 he obtained from Robert Bruce, Lord of Annandale, a charter⁵ of certain lands near Dundee, which had come to Bruce through his grandmother from David, Earl of Huntingdon, including the mains of Dundee and the granter's share of the mill of Forgrund.

On 28th August 1296 Rauf de Dundee del Counte de Forfare did homage to Edward I. at Berwick-on-Tweed.⁶ Subsequently he seems to have joined Bruce, for among the petitions to Edward I. by his adherents for the grant of forfeited lands is one by John Hayward for a grant of *inter alia*, 'les terres Mestre Rauf de Dondei.'⁷ He also seems to have been knighted, and was dead prior to 29th June 1312, when Henry Maule of Panmure granted to John de Glasreth, son and heir 'quondam domini Radulphi de Dundee Militis,' a receipt for ten merks due in respect of the confirmation of Benvie and Balrothern.⁸

His origin, as has been said, is uncertain.⁹ It may be a mere coincidence, but among other witnesses to a trans-

¹ No. II., *post*, p. 124.

² *Reg. de Aberbrothoc*, p. 332.

³ *Registrum de Panmure*, p. 155.

⁴ *Ibid.*, p. 151.

⁵ No. IV.

⁶ *Calendar of Documents relating to Scotland*, ii. p. 199.

⁷ *Palgrave*, p. 311.

⁸ *Registrum de Panmure*, ii. p. 157.

⁹ *Vide post*, pp. 221 *et seq.*, for two writs which possibly bear on the matter.

action in the King's Court at Forfar, in the year 1225, are 'Gilberto et Adamo et Thoma filiis Rannulfi clericis domini regis.'¹ And this Ranulfus again, it has been suggested, was a grandson of Dunegal of Stranith.² In this view Ralph of Dundee might conceivably have sprung from that Dumfriess-shire stock. But such a descent would still fail to explain his connection with Glassarie. Another view of course is that he was a son of Gillascop Macgilerist. And again another possibility is that, whatever his origin, he had married a Celtic heiress, and got with her the lands which had been possessed by Gillascop Macgilerist. This last theory is perhaps the more plausible; and it is significant that his son and successor, John de Glassereth, though continuing to hold the lands which his father had acquired in Forfarshire, is usually designed de Glassarie, in one or other of its forms,³ though it should be noted that he in one instance is designed MacMartin.⁴

Besides his son and successor, John de Glassereth, Ralph of Dundee had two daughters, Elizabeth,⁵ and Margaret who was married to Dugald, son of Sir Colin Campbell of Lochow, and got from her brother a considerable grant of lands in Glassarie.

This Charter, which is still preserved at Inveraray, is printed by the kindness of the Duke of Argyll.⁶

Like his father, John of Glassarie seems to have been associated with Bruce, and he appears in his company at 'le Tarbartis juxta Loch fyne,'⁷ probably at the time when

¹ *Act. Parl. Scot.*, vol. i. p. 406. Radulfus and Ranulfus are generally regarded as synonyms.

² *Scots Peerage*, vol. vi. p. 288.

³ Through the existence of lands of Glaister or Glacester in Forfarshire, there has been a certain amount of confusion between their owners and the family of Glassarie in Argyll. See Warden, *Angus*, iii. p. 98; Jervise, *Memorials of Angus and Mearns*, p. 304.

⁵ *Vide post*, p. 224.

⁴ *Post*, p. 132, note 1.

⁶ *Vide post*, p. 132.

⁷ *Hist. MSS. Com.*, *Fourteenth Report*, Appendix, Part III. p. 178.

the king impressed the natives by having his galley dragged across the isthmus.¹

In 1329 John de Glassereth obtained from Robert I. a confirmation of the charters of Benvie and Balrotheri, which his father had acquired.² He is said to have become insane before his death.³ But, anyhow, he was dead before September 1341, when his son Gilbert de Glaster is found litigating about these same lands.⁴

Besides this son he had a daughter Marion, about whom the only thing known is that her marriage with a certain Alexander was declared to be 'nocht lauffull.'⁵ From the terms of several of the documents there seem to have been considerable dealings, and even blood relationship, between the Campbells of Lochow and the family of Glassarie—but the details are obscure.

In 1346 the possessions of Gilbert of Glassarie were increased by a Royal grant—No. VIII.—of the lands which had been forfeited by the heirs of John, the son of Ewen. From the fact that these lands included Crageneuer, it seems clear that this Ewen was the brother of Gillascop MacGilcris;⁶ and that the result of this charter was to reunite the estates which had been divided between the two brothers.

Gilbert of Glassarie had two daughters, Margaret⁷ and

¹ Barbour's *Bruce*, Book xv.

² *Registrum de Pannure*, ii. p. 163.

³ *Post*, p. 140.

⁴ *Registrum de Pannure*, i. p. 164. There is a curious entry in the Exchequer Rolls for 1328, vol. i. p. 115, viz.: Et Johanni de Glassirith clerico, percipienti per annum decem marcas quousque ad beneficium ecclesiasticum per regem fuerit promotus de termino huius compoti lviis viiid. If it refers to the son of Mr. Rauf of Dundee, 'clericus noster,' it seems an early illustration of ecclesiastical preferment being used by the king for behoof of a layman.

⁵ Ane testimoniall grantit be Joⁿ Archidene of Argyle and certain uther personis of the marriage betuix Alexander of and Marioun the dochter of Johnne a Glastre was nocht lauffull daitit 2 November 1364 (*Scot. Rec. Soc., Scrymgeour Inventory*, No. 293).

⁶ *Vide* No. 1.

⁷ Discharge grantit be Gilfillane of the ressait of nyne merks for the marriage of Margaret, the doichter of Gilbert of Glaiestre, daitit 15 Marche, anno 1376 (*Scrymgeour Inventory*, No. 313).

Agnes. Agnes was married to Alexander Scrymgeour, Constable of Dundee, and brought to him the bulk if not all of her father's possessions.¹ This Alexander Scrymgeour seems to have been the grandson of the gallant Standard-bearer of Scotland, who so distinguished himself in the War of Independence. Because of his descendants' long possession of Glassarie, it has been thought proper to print here the earliest known writ relating to their ancient race—No. III.—and also a writ of great historical importance, granted by the Guardians of Scotland in favour of the Standard-bearer. By the kindness of Lord Lauderdale, the former of these writs has also been reproduced in *facsimile*. From time to time during the fifteenth century attempts were made to negotiate an excambion of the Scrymgeour possessions in Glassarie for the lands of Menstrie in Clackmannan, which belonged to the Campbells of Lochow.² But, advantageous as this transaction would have been to both parties, it for some reason fell through and Glassarie continued to be possessed by the descendants of Alexander Scrymgeour and Agnes de Glassarie until 1668, when on the death of John Scrymgeour, third Viscount of Dudhope and first Earl of Dundee, the Scrymgeour estates were held by the Court of Session to have fallen to the Crown as *ultimus haeres*, and were granted to Charles Maitland of Halton, afterwards third Earl of Lauderdale.

The history of the documents that follow is briefly this :

Nos. I., III., V., VII., IX., XVII., XIX., XXVIII., and XXX.-XLVII. are printed from the original writs in the possession of the Earl of Lauderdale.

Nos. II., IV., VIII., X.-XIV., XVI., XVIII., and XXIX. are printed from transcripts in a MS. volume (34.3.25), once the property of Walter Macfarlane, and now in the Advocates' Library, which bear to have been made

¹ *Vide* No. XVII.

² *Vide* Nos. XXVI., XXIX., and XXXII.-XXXV.

in 1750, '*ex autographis pergamenis penes Magistrum Willielmum Robertson de Lady-Kirk Scribam Edinbr.*' This William Robertson was at one time agent for the Lauderdale family, and the original writs do not appear to be now in the Lauderdale Charter Chest. No. xv. has been reprinted from the *Registrum de Panmure*, and No. vi. is printed from the original in the Charter Room at Inveraray.

Two other writs are printed in Appendix i. from originals belonging respectively to the Earl of Moray and the Earl of Lauderdale.

Appendix ii. is a memorandum dealing with various matters which could not be discussed properly in a footnote to No. i.

To his Grace the Duke of Argyll, the Earl of Moray, the Earl of Lauderdale, and the Faculty of Advocates, the thanks of the Society are due for their kind permission to make use of the interesting writs now printed.

WRITS RELATING CHIEFLY TO THE LANDS OF GLASSARIE AND THEIR EARLY POSSESSORS

I. CHARTER BY ALEXANDER II. TO GILLASCOF MAC- GILCRIST of the five-penny lands of Fyncharne and others, August 1, 1240.¹

Alexander dei gracia Rex Scottorum Omnibus probis hominibus Tocius terre sue salutem. Sciant presentes et futuri nos dedisse concessisse et hac carta nostra confirmasse Gillascop mac Gilerist ² pro homagio et servicio suo in Erregaythil quinque denariatas terre de Fyncharne,³ praeter dimidiam denariatam terre quam Eugenius frater suus tenet quæ vocatur Crag Enywyr: et quinque denariatas terre de Glennane praeter denariatam terre

¹ Printed from the original. This is believed to be the oldest writ in existence dealing with lands in Argyll, and Lord Lauderdale has kindly allowed it both to be printed and to be reproduced in facsimile for this volume.

² This writ unfortunately gives no clue to the identity of Gillascope Macgilcrist. It shows, however, that he had a brother Ewen, who held *inter alia* the lands of Crageneure (Cragenywyr). These lands later on were forfeited by the heirs of John, the son of Ewen (*post*, p. 136). This John seems to have been one of the magnates of Argyll in 1292 (*vide ante*, p. 115), and, as John Ewynsone MacGilcrist, to have done homage to Edward I. in 1296 (*Calendar of Documents*, ii. pp. 169, 202; see also *ibid.*, App. I. pp. 3, 54 for his seal).

³ It is still possible to identify some of the lands mentioned in this charter. Some of them, *e.g.* Fyncharne and the two Rudols, are situated about the south end of Lochaw; others, such as Glenfynport and Letherlochake, lie in Cowal, on the other side of Loch Fyne. Apart, therefore, from the feudal scheme of the charter, the mere fact that Gillascope MacGilcrist possessed lands so discontinuous shows that even in Argyll whatever tribal or clan tenure may have existed had been superseded by private ownership at a very early date. Cragenywyr means the rock of the yew trees, just as the old parish church was called Killenuair, the church of the yews. Penig Corthen, so called, apparently from being a pennyland. Naheass is possibly Achachois.

quae vocatur Penig Corthen quam idem Eugenius tenet : et quinque denariatas terre de Askol et quinque denariatas terre de Rudol superiori et quinque denariatas terre de Kelmikhel et quinque denariatas terre de Kerchennan et quinque denariatas terre de Naheass et quatuor denariatas terre de Keldouenegarth et quinque denariatas terre de Drummulin. et tres denariatas terre de Cnocnagoloran et unam denariatam terre de Akhenbreth et dimidiam denariatam terre de Strohon et dimidiam denariatam terre de Glenfynport et dimidiam denariatam terre de Letherlochhake et duas denariatas terre et dimidiam de Rudol inferiori et dimidiam denariatam terre de Dernekerd. Tenendas et habendas eidem Gillascop et heredibus suis de nobis et heredibus nostris in feodo et hereditate per rectas divisas suas et cum omnibus justis pertinenciis suis, In bosco et plano. In terris et aquis. In pratis et pascuis. In moris et maresiis. In stangnis et molendinis. cum socco et Sacca. cum furca et fossa. cum Tol et Them et Infangandeth. et cum omnibus aliis ad easdem terras juste pertinentibus. Libere quiete plenarie et honorifice faciendo ¹ medietatem servicii unius militis in exercitu et

¹ The reddendo is noteworthy. It consists of two separate parts, and is a striking instance of the combination of the new feudal tenure with that which had prevailed in the old Celtic kingdom. These two parts are best dealt with separately.

(1) Half a knight's service in the army, and as far as aids are concerned what pertains to the full service of one knight.

In England at this time lands were generally held by knight's service—*per servitium militare*: 'In order to understand this tenure we must form the conception of a unit of military service. That unit seems to be the service of one knight or fully armed horseman (*servitium unius militis*) to be done to the king in his army for forty days if it be called for' (Pollock and Maitland, *History of English Law*, i. p. 254). Before the end of the twelfth century the appearance of portions of knight's fees shows that payments must have been accepted in lieu of military service: 'When it is said that a man holds the twentieth part of a fee, this cannot mean that he is bound to serve for two days in the army; it must mean that he and others are bound to find a warrior who will serve for forty days, and that some or all of them will really discharge their duty of money payments' (*ibid.*, p. 267). Sir Thomas Craig, however, expresses a different view with regard at least to Scotland. 'Illud tamen non est prae-tereundum quod si scutagium quis, sive unius militis servitium debeat, id est, si integrum feudum militare habeat is quadraginta dies in exercitu, suis impensis

in auxilio quantum pertinet ad plenum servicium unius militis. Et faciendo servicium scoticanum sicut Barones et milites nostri ex aquilonali parte maris scocie pro terris suis faciunt. Testibus W. filio Alani senescalli justiciario scotiæ. W. Olifard justiciario Laodonie. D. de Lyndesay. D. de Hasteng. Rob. de Meners. Rob. Biset. Apud Strivelin primo die Augusti Anno Regni domini Regis vicesimo sexto.

(Abstract.)

'ALEXANDER, King of Scots, grants to Gillascop mac Gilcrist, for his homage and service in Argyll, the five penny lands of Fyncharne except the half penny land held by his brother Ewen, called Cragenywyr, the five penny lands of Glenmaue except the penny land called Penig Corthen held by the foresaid Ewen, and the other lands therein mentioned. To be held by the said Gillascop and his heirs of the King and his heirs according to their righteous marches, and with all the usual pertinents, freely and fully, rendering the half of a Knight's service in the host and in the matter of an aid what pertains to the full service of one Knight, and also doing Scottish service as the barons and knights on

instructus, cum domino manere debet; que dimidium tantum militis servitium debet, viginti solum dies; si quis quartam partem decem tantum' (*Jus Feudale*, i. pp. 11, 14). The *auxilium* refers to the money payments exigible under the feudal law in addition to military service.

(2) In addition to these obligations the granter is also bound to do such Scots service as the barons and knights north of the Scottish sea are wont to render for their lands. The *Mare Scotiæ* is, of course, the Firth of Forth (Skene, *de Verb. Significatione* sub voce *Scotia*), which was regarded as dividing the old Celtic kingdom of Scotland proper—or Alban—from the conquered country of Lothians. A good illustration is afforded by the declaration in *The Laws of Malcolm Makeneth* that the amerciamento 'coram Justiciario *citra* mare Scocie' is eight cows and a colpindach to the Crowner and two shillings to the clerk 'et *ultra* mare Scocie in Laudonia et in partibus ibidem ab aqua de Tyne usque ad Forth' ten pounds, and to the Crowner and Clerk as aforesaid (*Act. Parl. Scot.*, vol. i. p. 711). The distinction was long kept up, and it will be noticed that by a curious coincidence the Justiciar of Scotland and the Justiciar of Lothian both appear as witnesses to this very writ.

An attempt to deal with the meaning of *Servitium Scoticanum* and with other interesting points raised by this charter, which would be too long for a footnote, will be found in a separate memorandum (*post*, p. 227). In the charter (*vide post*, p. 243) by Robert I. to Randolph of the Earldom of Moray, the reddendo is 'Faciendo nobis et heredibus nostris dictus Thomas et heredes sui predicti pro dicto comitatu servitium octo militum in exercitu nostro et Scoticanum servitium et auxilium de singulis davatis debitum et consuetum sine secta curie ad quamcumque curiam nostram facienda.'

the north side of the Sea of Scotland are wont to do for their lands. Dated at Stirling the first day of August and 26th year of the King's Reign.'

II. CHARTER BY ALEXANDER III. TO MR. RADULPH OF DUNDE, his clerk, of a half carucate of land in the territory of Rath, July 11, 1284.¹

Alex^r Dei gratia Rex Scottorum omnibus probis hominibus tocius terræ suæ salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse magistro Radulpho de Dundee clerico nostro² illam dimidiam carucatum terræ cum pertinentiis in territorio de Rath³ quam Robertus Wyseard Clericus filius quondam Utringi dicti Castball de nobis tenuit et ob defectum servicii quod nobis inde debuit, nobis die mercurii proximo post festum translationis Sancti Thomæ Martiris⁴ anno dni milles. ducentesimo octogesimo quarto coram quibusdam magnatibus nostris apud Dundee per fustum et baculum reddidit, et quietam clamavit et totum jus suum quod in dicta terra habuit vel habere potuit pro se et heredibus suis in perpetuum resignavit. Tenendam et habendam eidem magistro Radulpho et heredibus suis de nobis et heredibus nostris in feodo et hereditate libere et quiete reddendo inde annuatim nobis et heredibus nostris unam libram piperis ad Pentecosten et faciendum inde nobis et heredibus nostris forinsecum servicium quantum pertinet ad dictam terram. Testibus Douenaldo Comite de Mar Nicholao de Haya Jacobo de Ramesey et Patricio de Abirnithyn militibus apud Dundee undecimo die Julii anno regni nostri tricesimo sexto.

(Abstract.)

¹ ALEXANDER, King of Scots, grants to Master Ralph of Dundee, his clerk, that half ploughgate of land in the territory of Rath, which Robert Wyseard, clerk, son of the deceased Utringus called Castball,

¹ Printed from Macfarlane transcript in Adv. Bib.

² Although, as already stated (*ante*, p. 115), the origin and descent of Mr. Ralph of Dundee are uncertain, this charter shows that in 1284 he was an official of some importance.

³ Rait or Rath in Gowrie.

⁴ July 7.

n etiam m
m amoz q
une sumit
e acis . m a
quo spectare
nem detur
mto ad fod
n epim dele
enap ne pld
exedes meos
ari habeo n
eheredes su
ay. deo dle
ca peccat que
me nro qd i
o z omia be
ne tam dnd
remedio om

held of the King, and because of failure in the service due by him had formally resigned. To be held by the said Master Ralph and his heirs of the King and his heirs for the yearly payment of one pound of pepper and the forinsec service pertaining to the said land. Dated at Dundee the 11th day of July and 36th year of the King's reign.'

III. TACK OF THE LANDS OF TORRE¹ for nine years from Martinmas 1293, by Thomas de Kylmeron to Alexander *dictus* Schyrmesehur.

Omnibus hoc scriptum visuris vel auditoris Thomas de Kylmeron² eternam in domino salutem. Noverit universitas vestra me assedasse ac dimisisse Alexandro dieto Schyrmesehur filio Colyni filii Carun totam terram de le Torre cum omnibus pertinentiis suis interius et exterius usque ad terminum novem annorum continue sequentium plene complendorum pro quadam summa pecunie quam

¹ This is believed to be the oldest lease of lands in Scotland still extant. It belongs to the Earl of Lauderdale, by whose permission it is here both printed and also reproduced in facsimile.

² From an *Inquisitio* of 1517 (Sir R. Sibbald's *Fife and Kinross*, p. 83) it would appear that Kilmaron, Torr, and Lillock all lay close together, and at that time formed part of the barony of Ballinbreich. An entry (667) in the *Inventory of Documents relating to the Scrymgeour Family Estates*, published by the Scottish Record Society, shows that 'Alexander, the sone of Colene, the sone of Carrone,' had a charter from Richard of Kilmaron of 'the landis of Kilmukis, callit Woddisflat and Hillokfeild' (*sic*). Another entry (782) is of 'a charter maid be Alexander, the sone of Colene, the son of Carroun of Cowper to Tiphanie, douchter of David of Inchesirth, and the airis to be gotten betuix her and the said Alexander of the lands of Liemuth (*sic*), callit Woddislak and Lillockfeild.' The lady seems to have brought to her husband the lands of Wester Dronlaw and Petandum (see charter by Gilbert de Haya of Errol, printed in the House of Lords papers in the Standard-bearer case, p. 4; see also *Scots Peerage*, vol. iii. p. 558).

This Alexander *dictus* Schyrmesehur is obviously the gallant Standard-bearer whom Wallace made Constable of Dundee (*vide post*, p. 131, note 1), and the tack of Torr along with the entries cited above throw a good deal of fresh light on his origin and descent. The family would appear to have been of Celtic origin, and to have been settled in Fife long before they had any connection with Dundee. After the murder of Wallace the Standard-bearer joined Bruce, was taken prisoner at the battle of Methven, and with other Scots patriots was, by the express orders of Edward I., hanged at Newcastle, August 4, 1306 (*Calendar of Documents relating to Scotland*, vol. ii. No. 1811). Another Alexander Scrymgeour, probably his grandson, married about 1370 Agnes de Glassarie (*vide post*, p. 148), and thus greatly increased the family estates.

dictus Alexander in mea urgenti et inevitabili necessitate in pecunia numerata mihi propriis manibus tradidit et pacavit de qua quidem pecunie summa teneo ac tenebo me bene contentum. Tenendam et habendam dietam terram de le Torre dicto Alexandro et heredibus suis seu assignatis bene et in pace libere quiete pacifice et honorifice in domibus edificiis et ortis in moris et Maresiis in pratis et pascuis in viis et semitis et eum omnibus pertinentiis libertatibus et aysiamentis et commoditatibus cum libero introitu et exitu ad dietam terram spectantibus seu de jure aliquo spectare valentibus quousque predicti novem anni plene et integre fuerint completi et quousque dietus Alexander et heredes sui seu assignati de anno in annum et de termino in terminum de dieta terra de le Torre novem vesturas sine alieuius contradictione aut impedimento integre receperint. Volo et concedo pro me et heredibus meis quod liceat dicto Alexandro et heredibus suis seu assignatis habere liberam potestatem sine aliquo impedimento ad fodiendas petas in marisco de le Torre prout indiguerint infra predictos novem annos et illas petas ubicunque voluerint vel manserint ad domos suas cariare et abduere. Termino ingressus dieti Alexandri in dietam terram de le Torre incipiente ad festum Sancti Martini in yeme anno domini M^o cc^o nonagesimo terci^o. Et ego Thomas et heredes mei dicto Alexandro et heredibus suis vel assignatis predictam terram de le Torre cum omnibus pertinentiis ut prescriptum est usque ad terminum novem annorum predictorum plenarie completum contra omnes homines et feminas et etiam dotes mulierum warantizabimus acquietabimus et defendemus. Si vero contingat quod absit me aut heredes meos dietam terram de le Torre ut prescriptum est usque ad terminum prefatum non velle nec posse warantizare acquietare aut defendere volo et concedo pro me et heredibus meis quod dietus Alexander et heredes sui seu assignati habeat vel habeant extantum et verum valorem illius terrae in terra mea de le Month¹ secundum visum et ordinationem virorum

¹ Apparently the lands afterwards owned by Sir David Lindsay of The Mount.

fidedignorum ad hoc per dietum Alexandrum et heredes suos vel assignatos eligendorum ubicunque dietus Alexander et heredes sui vel assignati una cum dietis fidedignis propinquius et commodius juxta terram suam de Lylocheffylde ita quod dietum extentum fiat infra octo dies a tempore defectus warantizationis meae dietae terrae de le Torre dicto Alexandro et heredibus suis vel assignatis faciendae eligere voluerit vel voluerint. Ac etiam volo quod dietus Alexander et heredes sui vel assignati pro petis quatinus debuit recipere in mariseo de le Torre illa quadraginta plaustrata petarum quae me et heredes meos hereditarie contingunt in mariseo de le Torre totaliter recipiant usque ad finem termini sui predicti. Et si contingat me vel heredes meos seu assignatos aut aliquem vel aliquos nomine nostro contra presentem instrumenti tenorem aliquo tempore infra dietos novem annos verbo vel facto venire vel aliquid ad hujus instrumenti infractionem attemptare facere vel procurare obligo me et heredes meos et assignatos et omnia bona mea et heredum meorum vel assignatorum mobilia et immobilia ubicunque fuerint inuenta antequam in aliquo coram quibuscunque audiamur centum solidos sterlingorum bonorum hospitali sancti Nicholai juxta Sanctum Andream et pauperibus seolaribus sancti Andree sine strepitu judiciali nomine poenae persolvere presenti instrumento nichilominus in suo robore duraturo renuncians pro me et heredibus meis omni juris remedio omni privilegio fori canonici et civilis et omnibus litteris et gratiis a quaeunque curia vel sede impetratis vel impetrandis et omnibus auxiliis et indulgentiis cruce signatis vel cruce signandis et omnibus et singulis quae mihi et meis contra tenorem presentis instrumenti poterunt prodesse ad defensionem et dicto Alexandro vel heredibus suis seu assignatis in aliquo obesse ad gravamen. Subiciens et me et heredes meos jurisdictioni et coercioni officialium dominorum episcopi sancti Andree vel archidiaconi ejusdem loci qui pro tempore fuerint ut unus vel eorum alter qui super hoc fuerint vel fuerit requisiti vel requisitus possint vel possit me et heredes meos statim viso hoc instrumento unice moni-

tione quad. etc. predicta de die in diem per sententiam suspensionis excommunicationis et interdictionis compellere predictam sententiam minime relaxando quousque dictus Alexander et heredes sui seu assignati omnium dampnorum suorum et jacturarum et expensarum quae vel quod incurrerit vel incurrerint vel fatigationum si quae fuerint nullo proponendo juris vel facti remedio obstante plenariam optinuerint restaurationem et hoc credendo assertioni et veredicto dicti Alexandri una cum aliis duabus bonis et fidelibus personis quas dictus Alexander vel heredes sui seu assignati duxerint vel duxerit eligendas sine alicujus alterius honore probationis. Et ad majorem securitatem dicto Alexandro et heredibus suis vel suis assignatis quo ad premissa facienda tales inveni fidejussores et principales unum quemque in solidum fide media debitorem videlicet Patricium de Rankeloch filium quondam Duncani ejusdem villae, Adam filium David de Rankeloch et Willemum de le Torre cissorem qui se et unumquemque ipsorum in solidum modis omnibus et singulis quibus me ad omnia et singula premissa obligavi astrixi et subjeci obligarunt astrixerunt et fidemedia subjecerunt. In cujus rei testimonium sigillum meum una cum sigillo dicti Patricii de Rankeloch et sigillo Decanatus de ffyffe et de ffotherith ad instanciam dictorum Ade de Rankeloch et Willemi de le Torre cissoris fidejussorum meorum et principalem in solidum debitorum ut predictum est procuratum per eosdem quod sigilla propria tempore confectionis scripti presentis non habuerunt huic scripto est appensum Hiis testibus domino Johanne dicto Abbate tunc decano Christianitatis de ffyffe et de ffoderith. Hugone de Lochor tunc vicecomite de ffyffe. Constantino de Lochor Johanne dicto Gylbuy, Michaelae dicto Redhode burgens. de Cupro et multis aliis.

(Abstract.)

‘ THOMAS DE KYLMERON sets in tack to Alexander called Schyrmeschur, son of Colin, son of Carun, the land of le Torrer for a term of nine years, in respect of a certain sum of money paid by him to the granter in his necessity. To be held by the granter and his heirs and assignees, with all just pertinents, until they shall have reaped 9 crops there-

from, the term of entry being Martinmas 1293, and peaceful possession being guaranteed, with a stipulation that in case of disturbance other suitable land shall be made available, and provisions for the imposition of penalties on the granter and his heirs in the event of their attempting to evade their obligations, and notably a declaration that before they can be heard to defend such conduct they shall pay 100 shillings sterling to the hospital of St. Nicholas, near St. Andrews, and the poor scholars of that city, and an acceptance of the jurisdiction of the officials of the Bishop of St. Andrews or the Archdeacon thereof.'

IV. CHARTER BY ROBERT DE BRUS, LORD OF ANNANDALE, TO MR. RADULPH OF DUNDE, of the Mains of Dundee, and others, October 4, 1294.¹

Sciunt presentes et futuri quod nos Robertus de Brus Dominus Vallis Anand² dedimus concessimus et hac presenti carta nostra confirmavimus Magro Radulpho de Dundee pro homagio et servicio suo omnes Dominicas terras nostras de Dundee³ et totam terram nostram in Dundee que vocatur Westfeld et totum pratum nostrum de Dundee et terras nostras de Suthbelah et Northbelah et totam partem nostram de molendino de Forgrund cum

¹ Printed from Macfarlane transcript in Adv. Bib.

² Robert de Bruce, son of the Competitor, and father of King Robert I.

³ The baronies of Dundee in Angus and Langforgrund or Longforgan, just over the Perthshire border, with other lands, including those of Inverbervie in the Mearns, belonged to David, Earl of Huntingdon, and passed to his three daughters, Margaret, the grandmother of King John Balliol, Isabel, the mother of Robert Bruce, the Competitor, and Ada, the grandmother of John Hastings, the Competitor. Bruce's interest in the mill of Forgrund was one-third, as appears from a charter by King Robert I. to Alexander Keith on the resignation of John of Glassarie, May 8, 1315 (*Hist. MSS. Com., Fourteenth Report*, App. III. p. 178). Parts of the barony of Dundee, and also of the barony of Longforgan, were apparently known as 'the Bruys part' (*Reg. Mag. Sig.*, vol. 1306-1424, Nos. 655, 687, 744). The Balliol lands seem to have been largely conferred on the Scrymgeours (*vide post*, p. 131), though Roger Cissor had a charter from King Robert I. of the '3rd part of the lands of Langforgan, whilk was John Balliol's' (Robertson's *Index of Missing Charters*, 26.20).

Simon Fraser got from the same king a charter of 'the lands of Brortown and Inverbervie quhilks pertenuit to Edmond Hastings' (*ibid.*, 1. 16), while Andrew Gray had a charter from him of 'the barony of Longforgan, 3rd part of Cragie, 3rd part of the mill of Pettarache, 3rd part of Wairistoun and sundry other lands in Dundee whilk was Edmond Hastings' (*ibid.*, 26.19).

pertinenciis. Tenend et habend de nobis et heredibus nostris dicto Radulpho et heredibus suis de corpore suo legitime procreatis, libere quiete integre et honorifice in perpetuum sine aliquo retinemento, cum omnibus libertatibus aysiamensis et pertinenciis ad predictas terras et molendinum pertinentibus vel qualitercunque pertinere valentibus. Reddendo inde annuatim nobis et heredibus nostris, predictus Radulphus et heredes sui de corpore suo legitime procreati unum denarium ad festum Pentecostis pro omni servicio et demanda: Salvis tamen nobis et heredibus nostris Warda et Relevio cum acciderint: Et si idem Radulphus sine herede de corpore suo legitime procreato in fata decesserit, omnes prædictæ terræ et molendinum ad nos et heredes nostros integre revertantur. Et nos Robertus et heredes nostri omnes terras prædictas et partem nostram dicti molendini cum omnibus pertinenciis suis ut predictum est, predicto Radulpho et heredibus suis de corpore suo legitime procreatis contra omnes gentes warantizabimus acquietabimus et defendemus in perpetuum. Et ut hæc nostra donacio concessio et presentis cartæ nostræ confirmacio firmæ sint et stabiles, hanc cartam sigilli nostri munimine duximus roborandam. Hiis testibus Dnis Willmo de Brus Johne de Seton David de Torthorald David de Betune Ada de Retref militibus Galfrido de Caldecotes Johne de Inchemartin et aliis. Datum apud Lochmaben¹ quarto die Octobris anno gracia milesimo ducentesimo nonagesimo quarto.

(*Abstract.*)

ROBERT DE BRUS, Lord of Annandale, grants to Master Ralph of Dundee, for his homage and service, all his dominical lands of Dundee, his whole land in Dundee which is called Westfield, his whole meadow of Dundee, his lands of Southbelah and Northbelah, and his whole share of the mill of Forgrund with the pertinents. To be held of him and his heirs by the said Ralph and the heirs of his body lawfully begotten, for the payment of one penny at the Feast of Pentecost for all service and demand, reserving to the granter ward and relief when these shall occur, and providing that on the death of the said Ralph, without lawful issue, the said lands should revert to the granter and his heirs.

¹ Lochmaben was the chief castle in Annandale.

V. PRECEPT by ROBERT BRUCE, EARL OF CARRICK, Guardian of the Realm of Scotland, to the Sheriff and Bailies of Forfar, in favour of Alexander Scirmesur, December 5, 1298.

ROBERTUS DE BRUS Comes de Carrick unus de custodibus Rengni Scotie Vicecomiti et ballivis suis de Forfar salutem. Quia veraciter intelleximus quod Alexander Scirmesur de dono domini Willielmi Wallays¹ infeodatus est et saysitus de Constabularia castri de Dundee et de quibusdam dicte ville de Dundee adjacentibus aliis terris, de quibus Constabularia et terris ei per quemcunque sint erecte, vobis nomine domini Johannis Comyn filii concustodis Rengni Scotie nostri et nostro mandamus firmiter precipientes quatinus ipsum in eodem statu in dictis terris et constabularia ponatis et manuteneatis in omnibus, sicut easdem tenuit de dono dicti domini Willielmi antequam Custodiam dicti Rengni admisimus. Datum apud Gouary v die Decembris anno gracia millesimo ducentesimo nonagesimo octavo.²

¹ Wallace's charter, which is reproduced in facsimile in Anderson's *Diplomata, Acts of the Parliament of Scotland*, vol. i. p. 453, and *National Manuscripts of Scotland*, part i., is no longer known to exist. It is dated March 29, 1298, and conferred on Alexander dictus Skirmischur 'sex marcas terre in territorio de Dundee—scilicet terram illam quae vocatur Campus superior prope villam de Dundee ex parte boreali, cum acris illis in Campo occidentali quae ad partem Regiam spectare solebant prope villam de Dundee ex parte occidentali et etiam pratum Regium in predicto territorio de Dundee. Et etiam constabulariam castri de Dundee cum suis pertinentiis libertatibus et asyamentis sine aliquo retinemento' (*vide ante*, p. 125, note 2).

² This precept is of very great historical value. It shows that Robert Bruce had identified himself with the national party, and was even acting as joint guardian of the realm along with John Comyn, the younger, very shortly after Wallace's departure for France, and many months before the famous meeting at Peebles in August 1299. Though referred to in a footnote to the article 'Brechin' in the *Scots Peerage* (vol. ii. p. 218, note 10), it is now published for the first time. The writer of that article, the late Rev. John Anderson, to whom the precept had been shown by the present Editor, suggested that possibly the Peebles meeting might have really been in 1298, but Mr. Barron in *The Scottish War of Independence*, p. 137 note, states what seem conclusive reasons against this view.

(Abstract.)

ROBERT BRUCE, Earl of Carrick, one of the Guardians of the Realm of Scotland, to his sheriff and bailies of Forfar, greeting, Forasmuch as we have truly understood that Alexander Scirmesur, by the grant of Sir William Wallays, has been infeft and seized in the Constabulary of the Castle of Dundee, and in certain other lands adjacent to the said town of Dundee, concerning which constabulary and lands, by whomsoever they were conferred upon him, we straitly charge you in the name of Sir John Comyn, the son, our fellow-guardian of the Realm of Scotland, and in our own name that ye place and maintain him in the same position in the said lands and constabulary in all respects, as he held the same by the gift of the said Sir William Wallays before that we entered on the guardianship of the said realm. Given at Gouray, 5th December 1298.

VI. CHARTER BY JOHN DE GLASSERETH TO DUGAL CAMEL and MARGARET DE GLASSERETH his wife of Knochnagullaran and other lands, undated, but believed to be *circa* 1315.¹

Omnibus Cristi fidelibus presentem cartam visuris vel audituris, Johannes de Glassereth dominus eiusdem, salutem in Domino sempiternam. Noverit universitas

¹ The Duke of Argyll, to whom the Editor is indebted for this charter, has kindly added the following note:

'In the Craignish Inventory it is certainly this charter which is thus referred to.

'c. 1315. "Charter by John MacMartin of Gleserech (who had married Sir Dugald Craignish's sister Finguala) to Sir Dugald Cambell of Craignish and Margaret his (John's) sister, of the lands of Derrynaneunach, Knockalloway, and others, to be held by them and the heir procreat betwixt them in free marriage; in which charter he designs them Dugallo Cambell et Margarete sponse sue sorori meae."

'It is curious to find the patronymic of John entered as MacMartin, as it is certainly absent from the original charter. His father we know from the Panmure Register was Radulph of Dundee, Lord of Glasric, so the latter must have been a MacMartin from Argyll.'

In a MS. History of the Campbells of Craignish in the Lyon Office, there is a long story of how a dispute arose in which Sir Dugald of Craignish killed his brother-in-law, and how MacMartin's only child, a boy about ten years of age, was killed by his foster father, one MacRath, who fled to Ross-shire, and there founded the race of MacRaes. As John of Glassarie was succeeded by his son Gilbert (*post*, p. 134), it seems plain that this legend cannot apply to them. Further, in a printed Craignish tree Finguala's husband is given, not as MacMartin, but as *M^r Master* of Glassrich. This of course may be a clerical error, but the name MacMaster would be quite applicable to John of Glassarie, in view of the fact that his father was long known as Master Ralph of Dundee!

vestra me concessisse dedisse et hac presenti carte mea confirmasse, Dugallo Cambel¹ et Margarete sponse sue et sorori mee totas istas terras subscriptas, videlicet Knoenagularan a metis de Ardocasuffer usque ad metam Kamestronireych, unacum lacu et insula eiusdem viz. unam denariatam terre de Derranerinoch et unam denariatam terre de Knoe alwe et unam mangnam [sic] denariatam terre de Monenyernich et totam terram de Cairnfin² et quinque denariatas terre de Kylmyell in Glenod³: Tenendas et habendas predictis Dugallo et Margarete sue sponse in libero maritagio,⁴ cum omnibus suis rectis debitis et pertinentiis et heredibus suis inter ipsos legitime procreandis adeo libere et quiete sicut aliquod maritagium infra regnum socie tenetur vel secundum leges regni poterit teneri. Ego vero Johannes predictus et heredes mei totas predictas terras predicto Dugallo et Margarete sponse sue et heredibus suis inter ipsos legitime procreandis in omnibus, ut prescriptum est, warandizabimus, acquietabimus et contra omnes homines et feminas defendemus. In cuius rei testimonium presenti carte sigillum meum apposui. Hiis testibus dominis Gilberto de Haya domino de Erol,

¹ Differing from the statement in the Craignish Inventory, the writer of the Argyll article in *The Scots Peerage*, vol. i. p. 325, gives Dugald Campbell as the second son of Sir Colin Campbell of Lochow—an identification which the present Editor prefers. This Dugald Campbell was forfeited in the reign of David II., when his lands were conferred on his brother Gillespyk by charter, dated at Dumbarton, July 4, 1342.

² Cairnfin. Qy. Fincharn.

³ Many of these lands can still be identified, although the names are a little difficult to recognise.

⁴ In feudal law an estate given in marriage with a woman by her father or brother was said to be given *in maritagio*, and the condition was implied that if the spouses should die without issue the land should revert to the grantor and his heirs (Lord Kaimes, *Elucidations*, p. 335). See also Gilbert Stuart's *View of Society in Europe* (1778), p. 239, and Appendix II. with styles from the *Formulare Anglicanum*. In Scotland land granted *in libero maritagio* seems to have had two further qualities. First, it was regarded as a tailzied fee, settled on the heirs of the marriage alone, and incapable of transmission to others; and second, for four generations it was held free of all service to the grantor; thereafter, from the fifth generation onwards it was held from the grantor 'eodem modo et per idem servitium,' by which he held from his overlord (Craig, *Jus Feudale*, i. pp. 11, 28).

Johanne cambrun de Balligernauch, Johanne de Inchemartin militibus, domino Thoma rectore ecclesie de Bonewy, Hugone de Montefixo, Villelmo de Mortun, et multis aliis.

(Abstract.)

JOHN OF GLASSERETH, lord of that ilk, grants, gives, and by this charter confirms to Dugald Cambel and Margaret, his spouse, sister of the granter, Knochnagullaran and the other lands therein mentioned. To be held in free marriage by the said Dugald and Margaret and the heirs to be procreated between them.

VII. CHARTER BY GILBERT DE GLACESTER, son and heir of umquhill Sir John de Gloucester, lord of that ilk, September 13, 1344, confirming a charter by John Furbour, son of the deceased Stephen Furbour, burgess of Dundee, to Muriel *dicta* Furbour his mother, of a tenement in Dundee, dated September 12, 1344.

Omnibus hanc cartam visuris vel auditoris Gilbertus de Gloucester filius et heres quondam Domini Johannis de Gloucester quondam domini ejusdem¹ salutem in Domino sempiternam. Noueritis me cartam confectam inter Muriellam dictam ffurbour quondam tenentem meam de illa pecia terrae burgagiae jacente inter burgagium quod tenetur de Abbate et conventu de Aberbrothoc ex parte occidentali et burgagium quondam Richardi schapillayn et parte orientali in burgo de Dundee et Johannem dictum ffurbour filium suum non obolitam nec cancellatam nec in aliqua parte sui viciatam inspeccisse vidisse et ad plenum intellexisse cujus tenor talis est. Omnibus hoc scriptum visuris vel auditoris Johannes ffurbour filius quondam Stephani ffurbour quondam burgensis de Dundee salutem in Domino noueritis me concessisse et ad firmam dimisisse Murielle matri meae totam illam peciam terre meae burgagiae jacentem in eadem villa in via quae dicitur market-

¹ This proves the descent and succession of Gilbert of Glassarie, and also that his father had been knighted.

gat¹ ex parte australi ejusdem viae inter burgagium quod tenetur de Abbate et conventu de Aberbrothoc ex parte occidentali et burgagium quondam Richardi schapellayn ex parte orientali quamquidem peciam terrae predictam Muriel mater mea de sua gratia speciali una cum consensu et ascensu Stephani patris mei et heredis dictae Muriellae matris meae tum concessit tenendam et habendam predictae Muriellae matri meae pro toto tempore vitae suae adeo libere et quiete sicut Stephanus pater meus predictus liberius aut quietius dictam terram tenuit seu ego tenere possum aliquo tempore in futurum. Reddendo inde annuatim dicta Muriella mihi et heredibus meis seu meis assignatis unum denarium argenti tantum ad festum Pentecostes si petatur pro omnimodis aliis serviciis secularibus exactionibus seu demandis quae per me vel per aliquos heredum meorum aut per aliquos alios nomine meo de predicta pecia terrae cum pertinenciis peti poterint vel exigi quo quo modo in futurum durante tempore vitae suae. Ego vero predictus Johannes et heredes mei dictam assedacionem meam predictae Muriellae matri meae pro tempore vitae suae in omnibus ut predicatur varandizabimus acquietabimus et contra omnes homines et feminas defendemus. In cujus rei testimonium presenti scripto sigillum meum apposui et ad majorem hujus rei euidenciam et causa veri testimonium perhibendi sigillum commune dicti burgi de Dunde presenti scripto apponi procuravi. Datum apud Dunde duodecimo die mensis Septembris Anno graciae millesimo tercentesimo quadragesimo quarto.

Ego vero dictus Gilbertus talem cartam sic concessam et donatam in omnibus punctis suis et articulis ratifico approbo et pro me et heredibus meis confirmo Dum tamen dictus Johannes nec aliquis heredum suorum alicui potentiori me dictam peciam terrae assignet vel assignent. In cujus rei testimonium presenti cartae sigillum meum apposui Dat apud Dunde tertiodecimo die mensis Septem-

¹ Among other names of streets in Dundee contained in ancient writs are Argylesgait, Murraygait, Kowgait, Seygait, Merkatgait, Schogait, St. Margarets-gait, Wollgait, and Kirkgait.

bris anno gratiae millesimo tricentesimo quadragésimo quarto.

(Abstract.)

GILBERT OF GLACESTER, SON and heir of the deceased Sir John of Gloucester, sometime lord of that ilk, confirms a charter made between Muriel called Furbour, sometime his tenant, in a piece of burgage land in the burgh of Dundee, and John called Furbour, her son, by which the said John Furbour, son of the deceased Stephen Furbour, sometime burgess of Dundee, granted and leased to his mother Muriel his piece of land in the road called Marketgat, to be held by her for her lifetime for payment of a silver penny at the Feast of Pentecost if asked, the said Gilbert making it a condition of his confirmation that the said piece of land shall not be assigned by the said John or his heirs to any one of higher position than himself the superior thereof.

VIII. CHARTER BY DAVID II. TO GILBERT OF GLACESTR
of the lands of Edyrling and others, May 5. 1346.¹

David Dei gratia Rex Scottorum Omnibus probis hominibus totius terræ suæ salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Gilberto de Glacestr dilecto et fideli nostro pro homagio et servicio suo terras de Edyrling Cambyseneu Garwalde duas Carvenys Craggeneure duas Oywoldys et Calkylkest cum pertinenciis quæ fuerunt quondam Johis filii Eugenii² et quæ nos contingunt ratione forisfacturæ heredum predicti quondam Johis contra fidem et pacem nostram existencium una cum jure superioris Domini quod predictus quondam Johes habuit in aliquibus terris existentibus infra vicecomitatum Ergadiæ. Tenend et habend eidem Gilberto et heredibus suis masculis de corpore suo legitime procreatis seu procreandis de

¹ Printed from Macfarlane transcript in Adv. Bib.

² From the grant to Gillascop Macgilcrist (*ante*, p. 121) was excepted *inter alia* the half penny land which Ewen his brother held, called Crag Enywyr. It therefore seems reasonable to infer that this Ewen, the brother of Gillascop and son of Gilcrist, is the same person as Ewen, the father of John, whose heirs forfeited *inter alia* Craggeneure. This view is further corroborated by the fact that among those who did homage to Edward I. is a person described as Johan Ewynsone MacGilcrist (*Calendar of Documents relating to Scotland*, II. 202). Moreover, so far as they can be now identified, these forfeited lands lie near Fincham, at the south-west end of Lochaw. It thus seems probable that by

nobis et heredibus nostris et aliis Capitalibus Dominis dictarum terrarum in feodo et hereditate per omnes rectas metas et divisas suas adeo libere et quiete plenarie integre et honorifice cum omnimodis libertatibus commoditatibus aysiamenis et justis pertinenciis in omnibus et per omnia ad dictas terras spectantibus seu juste spectare valentibus in futurum quoquo modo, sicut predictus quondam Johes predictas terras cum pertinenciis liberius juste aliquo tempore tenuit seu possedit. Faciendo nobis et heredibus nostris et aliis capitalibus Dnis dictarum terrarum si qui sint, dictus Gilbertus et heredes sui predicti servicia de predictis terris cum pertinenciis debita et consueta. In cujus rei testimonium presenti cartae nostrae sigillum nostrum precepimus apponi. Testibus Roberto Senescallo Scotiæ nepote nostro Johe Ranulphi comite Moravie Dno Vallis Anandiæ et Manniæ consanguineo nostro Patricio de Dunbarr Comite Marchie Malcolmno Flemyng Comite de Wygtoun et Thoma de Carnoto cancellario nostro scociæ militibus apud Perth vicesimo quinto die Maii anno Regni nostri septimo decimo.

(*Abstract.*)

DAVID, King of Scots, grants to Gilbert of Glacestre, for his homage and service, the lands of Edyrling, Canbyseneu, Garwalde, the two Carvenys, Craggeneure, the two Oywoldys, and Calkylkest, with the pertinents which belonged to the deceased John, son of Ewen, and were in the king's hands by reason of the forfeiture of the heirs of the aforesaid John, along with all right of superiority which the said John had in any lands within the sheriffdom of Argyll. To be held by the said Gilbert and the heirs male lawfully begotten or to be begotten of his

this grant Gilbert of Glassarie became possessed of the whole estates of Gilcrist—the father of Gillascop and Ewen—which had been divided between his two sons. It would be interesting to identify this Gilcrist. He must have been a person of some importance, for it will be recollected that among those whose lands were in 1292 included within the sheriffdom of Argyll was John Mac-Gilcrist as well as Mr. Ralph of Dundee. Another view, of course, is that Macgilcrist had even thus early become a true family name, and that neither Gillascop nor Ewen in 1240, any more than John in 1292, were the actual sons of any Gilcrist, but were all the remoter descendants of some earlier person of that name. This view would harmonise with the names of some of the other persons mentioned in the act of 1292, and notably Gilleskel M'Lachlan.

body, of the king and his heirs or other over lords of the said lands in fee and heritage according to the righteous marches thereof, all as possessed by the said deceased John. Rendering to the king and other over lords if any the services due and wont.

IX. RETOUR OF INQUEST relating to gift by John of Glassre of one third of Glassre, August 25, 1355.¹

Memorandum est quod talis inquisitio facta est per quosdam baronenes² [*sic*] Ergadiæ coram Alexandro vicecomite Ergadiensi in crastino beati Bartholemei apostoli³ apud Inverlecan⁴ anno domini M.CCC.L. quinto circa donationem⁵ per Johanem dominum de Glassre Duvgaldo

¹ By the permission of Lord Lauderdale this interesting writ has been reproduced in facsimile, and Mr. W. Rae Macdonald has very kindly supplied the following notes on the seals:

Seals (1) (2) and (8) gone.

(3) A shield bearing arms. A saltire (with curved limbs) and a chief charged with a star in the dexter. Shield suspended from a tree of three branches between two wyverns. Legend (Goth. caps.). Diam. about 1 in.

(4) A full-length figure standing front face with [a star] on sinister, dexter side broken. Legend (Goth. caps.). Diam. $\frac{1}{8}$ in.

(5) A shield bearing arms. Legend (Goth. caps.), S. P. EHTOIG. Diam. $\frac{1}{8}$ in.

(6) A shield bearing arms. A lion rampant surmounted of a fess engrailed. A flower at each side of shield. Legend (Goth. caps.), FILIVS : P : I GRICINI. Diam. $\frac{1}{8}$ in.

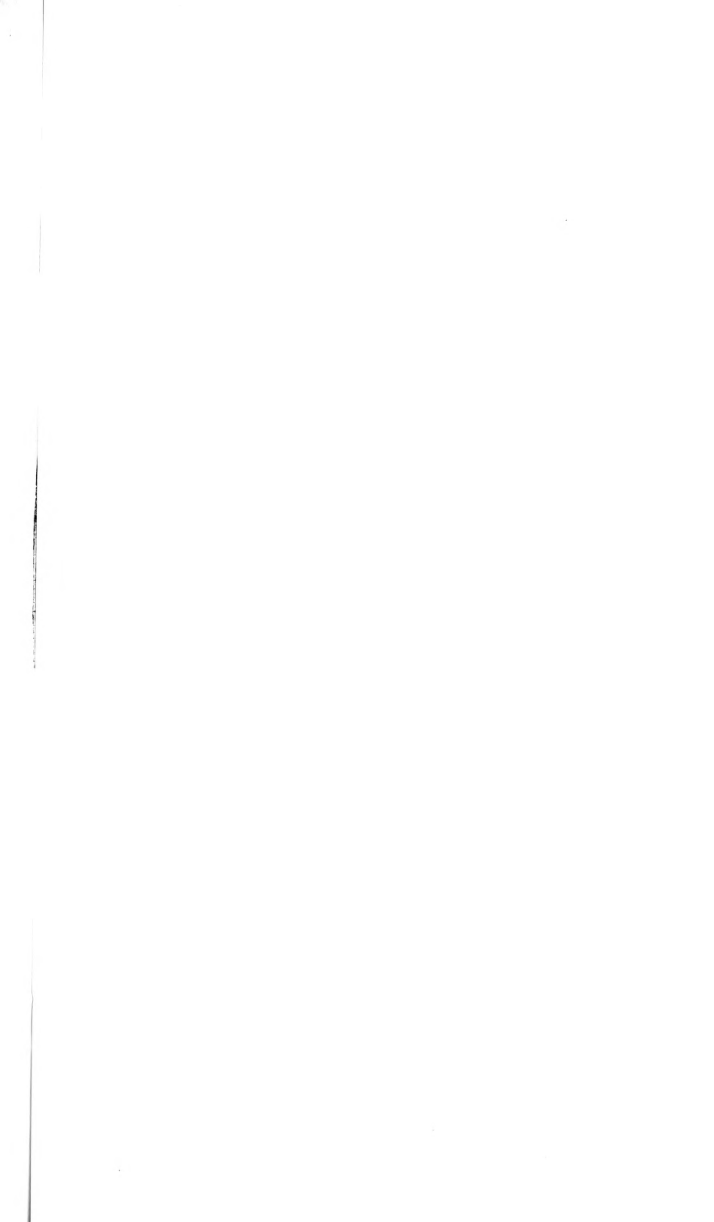
(7) A shield bearing arms. Gyronny of eight. The first and each alternate gyron charged with a lymphad. Within triangular tracery. Legend (Goth. caps.). Diam. $1\frac{2}{8}$ in.

² Apparently a clerical error for *barones*. The 'barones totius Ergadiæ et Ynchegalle' appear in the record of the parliament held at St. Andrews, March 16, 1309. They were probably the local chiefs who held their lands 'cum furca et fossa,' and not necessarily men technically holding their lands in *baronia*. Skene, *De Verb. Significatione*, says, *sub voce* BARO: 'In this realme he is called ane Barronne quha haldis his landes immediatlie in chiefe of the King, and hes power of pit and gallows.' But it is necessary to keep in view such instances as the baron MacNaughtan, the baron MacCorquodale, and also the barons and Council of the Isles, who do not appear to have been even tenants in chief (*vide post*, p. 241).

³ The day after St. Bartholomew's Day, *i.e.* August 25.

⁴ Inverlecan, on the north shore of Loch Fyne, near the modern Furnace.

⁵ If this be the grant contained in No. VI., then the subjects there given are here defined as being a third of Glassarie.



Cambel et Margarete sorori dicti Johanis de tertia parte terre de Glassre factam. In primis dicti Barones¹ videlicet dominus Arturus Cambel Lochlanus Juvenis Donecanus M'Thamais Johanes M'Eogan Alexander M'Sommarrli, Donaldus M'Inpersuyn Christinus Huasuibne et multi alii fidedigni per prefatum Alexandrum vicecomitem quod melius de dicta inquisitione seiverunt ad supradictam diem et locum sunt citati quibus coram prefato vicecomite comparentibus requisitis multipliciter juratis et diligenter examinatis prout melius seiverunt et recoluerunt, consona voce dixerunt² quod dictus dominus Johanes

¹ The identification of these barons is rather difficult, and the aid given by their seals unfortunately does not amount to much.

The Duke of Argyll makes the following suggestion :

'Lochlan, the younger, is the eldest son of the Lord of Stralachlan. Duncan M'Thamais is the descendant of Sir Thomas Campbell, head of Clan Tavish. Iain M'Eogan probably an Ottar.

'Alexander M'Sommarrli is a Lamont of Monydrain in Glassrie.

'Donald M'Inpersuyn—not identified, but a sept of this name were Campbells in this neighbourhood.

'Christinus MacSuibhne was Lord either of Ottar or of Castle Suine.'

To this the Editor would add: Donald M'Persoun, evidently one of the same family, was rector of St. Columba, Glassrie, in 1420, showing that the name was not a mere patronymic. Christinus Huasuibne is a most interesting name. There is no symbol for H in old Gaelic—it is merely a breathing; therefore the correct spelling would have been Vasuibne. Ua is equivalent to and is merely another form of O', which appears in Irish names to this day. It was also, but less frequently, used in Scottish names; e.g. O'Beolan, the family name of the old Earls of Ross. Duncan O'duine, mentioned as an ancestor of Gillespick Cambell of Lochow in a charter which the latter received from David II. in 1368, is therein called Duncan MacDuine. That this was long regarded as the true Gaelic name of the clan, and Cambel or Campbell merely as its equivalent (rather than translation) in English—an exact analogy to Gillespick and Archibald—is apparent from the dedication of Bishop Carswell's Gaelic prayer-book published in 1567, which runs thus:

'Do Ghiollaeasbuig Vanduibhne Iarrle Earragaidheal agas tigheorna Ladharna agas Ardghiuisdís na Ialban'; i.e. To Archibald Campbell, Earl of Argyll and Lord of Lorne, and chief Justiciar of Alban.

² Though the procedure is narrated with great detail, it is not easy to understand exactly whether the point in dispute was as to the meaning of the grant or as to the granter's mental capacity at its date.

If what has been said (*ante*, p. 133, note 4) is well founded, the grant made in No. VI. was not absolute, and implied a clause of return in the event of Dugald and Margaret dying without issue. It would therefore seem that at a later date—after he had become insane—John of Glassarie had made a further grant, absolute in character, to his sister and her husband. Possibly the subjects were

de Glassre terciam partem terre sue de Glassre Domino Duvalgdo Cambel quondam militi et Margarete Cambel¹ sorori dicti Johanis postquam factus est insane mentis non ad tempus sed ad hereditatem concessit :

(Abstract.)

By this writ it is placed on record that an inquiry was held by certain barons of Argyll, in presence of Alexander the sheriff thereof, at Inverleekan on the morrow of St. Bartholomew's Day in the year 1355, regarding the donation (*supra* No. v.) made by John of Glassre to Dugald Cambel and Margaret his wife, the sister of the said John, of the third part of Glassre. The said barons and many other trustworthy persons being cited to appear because of their knowledge of the facts, and being duly sworn and examined as to their knowledge and recollection, with one voice declared that the said Sir John of Glassre granted the third part of his land of Glassre to Sir Dugald Cambel, sometime knight, and Margaret Cambel, sister of the said John, after he became of unsound mind, not temporarily, but in absolute fee.

X. CHARTER BY JOHN CABEL, LORD OF ARDSCEODANICH, TO GILBERT, LORD OF GLASSR, for his life of the lands of Cross Gillesbuig and others, not dated.²

Omnibus has literas visuris vel audituris Johes Cabel

the same, but anyhow they are here described as one-third of Glassarie. From further documents it appears that at a later date there was considerable litigation with regard to this one-third of Glassarie (*vide post*, pp. 152 *et seq.*).

It may be suggested as a possible explanation that the dispute arose out of the forfeiture of Sir Dugald Campbell (*vide ante*, p. 133, note 1). If the grant were only a temporary one, *i.e.* a life-rent of the lands, which were to return to the granter in the absence of issue being born to Sir Dugald and Margaret de Glassarie, then on their death without issue the lands returned to the Glassarie family. If, on the other hand, the grant was an absolute one, then these lands were forfeited along with Sir Dugald's other estates, and granted to his brother Gillesbuig by the charter of July 4, 1343 (*vide ante*, p. 133, note 1). This theory seems to square with the fact that in 1427 a dispute was going on with regard to a third of Glassarie between the Lord of Lochow and Sir John Scrymgeour, who represented the family of Glassarie. And this writ may have been founded on in these proceedings as negating the validity of the alleged grant.

¹ It is curious that she is called Margarete *Cambel*.

² Printed from Macfarlane transcript in Adv. Bib.

Dnus de Ardsceodanich¹ salutem in Dno sempiternam. Noverit universitas vestra me dedisse concessisse et hac presenti carta mea confirmasse de me et heredibus meis dilecto consanguineo meo Gilleberto Dno de Glassr in vita sua duas denariatas cum obulata de terra mea de Glassr viz. denariatam de Cross Gillesbuig et denariatam de Dergbelach et obulatam de Kyllmicill videlicet obulatam prope CrossGillesbuig situatam in longitudine et aliam denariatam quæ vocatur Glacnagobal libere quiete plenarie et honorifice in pratis in pascuis, in silvis in venationibus in aquis in piscibus in piscariis cum aliis libertatibus commoditatibus omnibus et asyamentis tam nominatis quam non nominatis ad dictam terram spectantibus vel in futurum spectare valentibus quoquo modo. Ego vero dictus Johes Cambel et heredes mei dictam terram eidem Gilberto in vita sua cum omnibus libertatibus et commoditatibus dictam terram tangentibus contra quoscunque viros et feminas acquietabimus warentizabimus et defendemus. In cujus rei testimonium sigillum meum presentibus est appensum. Hiis testibus presentibus Dnis Adam et Laurencio Vicariis de Glassr et de Ardscedanic Donaldo M^cM^cpersun² Duncano³ filio Gillesbuig Cambel. Cristino Huasmabene Roderico et Yuaro filiis M^cGillecoan⁴ et multis aliis.

¹ Apparently the third son of Sir Colin of Lochow, and younger brother of the Sir Dougal who married Margaret de Glassarie. The lands of Ardskeodanish were confirmed along with Lochow to Sir Colin in 1315. They seem to have been the subject of a family dispute, which, according to a memorandum in the Records of Parliament (vol. i. p. 482), was settled at Scone, August 3, 1323, by an agreement 'inter Dugallum Campbell filium Colini Campbell militis et Dugallum filium Nigelli.' And a little later they seem to have formed the patrimony of this younger son.

² This charter is taken from the Macfarlane transcripts, but it has been possible to correct the names of the witnesses, viz., Donald M^cPherson and Cristine Huasmabene, by means of No. IX. The presence of these two also indicates that the date of the charter must be about 1355.

³ Apparently younger brother of Colin Iongatach (*vide ante*, p. 91) and ancestor of the family of Stronecharmaig.

⁴ M^cGillecoan, the son of the servant of St. Comgan or St. Coan. This is the name which has in many instances been anglicised into Cowan. The name M^cEichgylllichomghan appears on the Inveraray Cross (*vide post*, p. 258).

(Abstract.)

JOHN CAMEL, Lord of Ardsceodaich, grants to his beloved kinsman, Gilbert, Lord of Glassarie, for his life, two penny lands and an obol land of his lands of Glassarie, to wit a penny land of Cross Gillesbuig and a penny land of Dergbelach, and an obol land of Kyllmicill, vizt. that lying beside Cross Gillesbuig, and another penny land called Glacnagobal, with their whole lawful pertinents.

XI. BOND BY JOHN OF LORN¹ to assist his kinsman Gilbert, Lord of Glassr, December 19, 1355.²

Pateat universis per presentes me, Johannem de Lorn, tactis sacrosanctis Dei Evangeliiis et corporaliter juratum, teneri et firmiter obligari cum omni mea potencia nunc habita et habenda ad adjuvandum defendendum et fideliter consulendum consanguineum meum Gillebertum Johis Dnum de Glassr contra omnes homines tam presentes quam futuros pro tempore vite, salvo honore Dni Regis Scociæ qui pro tempore fuerit, et salva confederacione inita inter me et Gillesbuig Cambel Dnum de Lochawa temporibus jam transactis. In cujus rei testimonium Sigillum meum presentibus est appensum. Datum apud Ecclesiam S^{ti} Keraldi³ Episcopi et confessoris decimo nono die mensis Decembris anno Domini m^o ccc^o l^{mo} quinto.

¹ This is the John of Lorne to whom part of the estates of his family was restored (*vide* vol. i. pp. 75-6), and who married Joanna, daughter of the Princess Matilda Bruce by her mysterious husband Thomas Isaac. He is frequently said to have been the son of King Robert's enemy, John Baacach, and grandson of Alexander de Ergadia, and is given that place in what may be regarded as the official pedigree of the Macdougalls in their clan magazine, *The Galley of Lorne*, part i. But that he was really the son of Alan and grandson of John Baacach is proved by another writ (No. XVI.) now published for the first time.

² Printed from Macfarlane transcript in Adv. Bib.

³ This is the parish church of Muckairn, situated on the south side of Loch Etive, and known in Gaelic as Killespickerril.

It is often said to have been dedicated to Cyril, the patriarch of Alexandria. Bishop Forbes, *Kalendar of Scottish Saints*, says that Killespickerril was the Church of Eraldus or Haraldus, the first bishop of Argyll. The present writ is quite clear, but unfortunately it is printed only from a Macfarlane transcript, and not from the original bond. And it is therefore always possible that H may have been mistaken for K. But it is to be noted that the copyist seems to have originally written another letter which has been changed to K.

(Abstract.)

Let all men know that I, John of Lorn, have bound myself by an oath on the Holy Gospels with all my power to aid, defend, and faithfully counsel my kinsman, Gilbert Maclan, Lord of Glassarie, against all men, present and future, so long as I live, saving the honour of my Lord, the King of Scotland, for the time, and the alliance recently entered on between me and Gillesbuig Cambel, Lord of Lochow.

XII. BOND BY COLIN, SON OF GILLESBUIG CAMEL, AND DUNCAN, SON OF JOHN M'LAGMANID, to assist Gilbert, Lord of Glassr, March 31, 1358.¹

Pateat universis per presentes nos, Colinum² filium Gillesbuig Cambel et Doncanum filium Johis M' Lagmanid,³ temporibus vitæ nostræ tactis ad hoc corporaliter sacrosanctis Dei Evangeliiis, obligatos esse Gilleberto Dno de Glassr in consilio auxilio et fidelitate pro posse nostro contra quoscunque prestand, salvo honore Domini nostri David Dei gratia Regis Scotorum et Dni Roberti Senescal. Scociæ⁴ ac Gillesbuig Cambel Dni de Lochawa, et precipue quod nullum consilium auxilium vel defensionem aliquam Johanni Cambel Dno de Ardsceodanic⁵ contra eundem Gillebertum faciamus, nisi per supra dictos Regem et Senescallum vel Gillesbuig Cambel ad hoc fuerimus inducti et coacti. In cujus rei testimonium sigillum nostrum presentibus est appensum. Datum apud Dunnonyng⁶ vi^o die post annunciationem Beatæ Mariæ Virginis Anno Dom: m^o ccc^o l^o viii^o.

¹ Printed from Macfarlane transcript in Adv. Bib.

² Colin Inngatach, *vide ante*, p. 91.

³ Duncan, the son of John Lamont.

⁴ The son of Marjory Bruce. He had been declared heir to the crown, in the event of failure of male issue of Robert I., by the Parliament held at Scone, December 3, 1318. For an instance of his being associated with his uncle David II. in public documents see the grant of testamentary powers to bishops by that king: 'Consensu et assensu Roberti Senescalli senescalli Scocie nepotis nostri et librorum suorum hec non aliorum baronum et procerum actrium communitatum regni nostri in pleno nostro parlamento tent apud Perth' (*Reg. Mag. Sig.*, vol. i., 1306-1424, No. 372).

⁵ The granter of No. x.

⁶ Dunoon.

(Abstract.)

Let all men know that we, Colin, son of Gillesbuig Cambel, and Duncan, son of John M'Lagmanid, have for our lifetimes bound ourselves by oath on the Holy Gospels to Gilbert, Lord of Glassarie, to support him with counsel, assistance, and fidelity against all men, saving the honour of our Lord David, by the grace of God, King of Scots, Sir Robert, Steward of Scotland, and Gillesbuig Cambel, Lord of Lochow, and in particular that we shall afford no counsel, aid, or protection to John Cambel, Lord of Ardsceodanich, against the foresaid Gilbert, unless compelled thereto by the aforesaid King and Steward or Gillesbuig Cambel.

XIII. CHARTER BY DAVID II. confirming to Gilbert de Glascestre the grant made in No. VIII., May 20, 1358.¹

David Dei gratia Rex Scottorum omnibus probis hominibus tocius terre sue salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra² confirmasse dilecto et fideli nostro Gilberto de Glacestre omnes terras cum pertinenciis que fuerunt quondam Johis filii Eugenii infra vice-comitatum Ergadie quæ nos contingunt ratione forisfacturæ heredum³ dicti quondam Johis contra fidem et pacem nostram existencium. Tenend. et habend. eidem Gilberto et heredibus suis de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas cum omnibus libertatibus commoditatibus aysiamenti et justis pertinenciis suis quibuscunque ad dictas terras spectantibus seu quoquo modo juste spectare valentibus in futurum adeo libere et quiete plenarie integre et honorifice sicut carta nostra eidem Gilberto inde alias confecta in se plenius continet et proportat. non obstante quacunque revocacione per nos hucusque facta de terris supradictis. Faciendo nobis et heredibus nostris ipse Gilbertus et heredes sui servicium de predictis

¹ Printed from Macfarlane transcript in Adv. Bib.

² This charter repeats the grant made twelve years previously, in 1346, *vide ante*, p. 136, and was rendered necessary, it would seem, by some revocation which had taken place. King David II., it will be remembered, was taken prisoner by the English at Nevill's Cross, October 17, 1346, and was not released until October 1357.

³ Here again, as in No. VIII., it will be observed, it is the heirs of John MacEwen who are said to have been forfeited, not John himself.

terris debitum et consuetum. In cujus rei testimonium presenti cartæ nostræ sigillum nostrum precepimus apponi. Testibus venerabilibus in Christo patribus Willo. Episcopo S^{ti} Andree, Patricio episcopo Brechinen Cancellario nostro Roberto Senescallo nostro Scociæ Comite de Stratherne Willmo. Comite de Fyff Waltero de Halyburtoun et Johe. de Prestoun militibus ac multis aliis. Apud Edinburgh xx^o die Maii anno regni nostri vicesimo octavo.

(Abstract.)

DAVID, by the grace of God, King of Scots, makes known that he has given, granted, and by this present charter confirmed to Gilbert of Glacestre all the lands, with their pertinents, which belonged to the deceased John MacEwen within the sheriffdom of Argyll, which were in the King's hands by reason of the forfeiture of the said John. To be held by the said Gilbert and his heirs of the King and his heirs as fully and freely as the previous charter to the said Gilbert sets forth, notwithstanding any revocation thereof concerning the aforesaid lands. The said Gilbert and his heirs doing to the king and his heirs the service due and wont from the foresaid lands.

XIV. PRECEPT OF SASINE following on the foregoing charter, May 20, 1358.¹

David Dei gratia Rex Scottorum vicecomiti et Ballivis suis Ergadie salutem Sciatis quod concessimus hereditarie dilecto et fideli nostro Gilberto de Glascestr omnes illas terras quæ fuerunt quondam Johis filii Eugenii infra Galliam² quæ nos contingunt ratione forisfacturæ heredum dicti quondam Johis contra fidem et pacem nostram existencium quare vobis [*sic*] vobis mandamus et precepimus quatenus prefato Gilberto vel suo certo actornato latori presencium saysinam dictarum terrarum cum pertinent. secundum tenorem cartæ nostræ quam inde habet Visis his et sine dilacione liberari faciatis et hoc nullo modo ommittatis. Teste meipso Apud Edinburgh xx^o die maii anno regni nostri vicesimo octavo.

¹ Printed from Macfarlane transcript in Adv. Bib.

² As this is printed from the Macfarlane MSS. it seems probable that *Galliam* is a transcriber's error for *Ergadium*.

(*Abstract.*)

PRECEPT by David, King of Scots, to the sheriff and bailies of Argyll, narrating that whereas he has granted to Gilbert of Glacestr all those lands which pertained to the deceased John MacEwen within Gallia, and had come into the king's hands by reason of the forfeiture of the heirs of the foresaid John, he commanded them to give to the said Gilbert or his attorney sasine of the said lands, with their pertinents, according to the tenor of the said charter.

XV. OBLIGATION BY COLIN CAMBELL TO GILBERT DE GLASTROD in relation to the Bailyary of his Lands in Argyllshire, October 27, 1361.¹

Pateat universis per presentes me Colinum Cambell,² tactis sacrosanctis dei evangeliis, et fide mea media interveniente, tentum et obligatum esse nobili viro Gilberto de Glastrod, ad tenendum ejusdem Gilberti locum infra vicecomitatum Ergadie in suis justis agendis durante termino per dictum Gilbertum mihi concessio. Et si contingat, quod absit, inter dictum Gilbertum et aliquem aut aliquam de meis consanguineis, virum aut mulierem cujuscunque conditionis existat, aliquam discordiam sive dissensum de novo intervenisse vel emersisse, obligo me per presentes adjuvare dictum Gilbertum contra illum vel illam, dum tamen hoc visum et inspectum fuerit, secundum visum arbitratorum vel electorum per dictum Gilbertum nominatorum, dicto arbitro pro eodem Gilberto faciente et cum eodem procedente, et contra nostrum consanguineum vel nostram consanguineam interveniente et eidem Gilberto illud officium sive ballivium quod mihi concesserit quandocunque sibi habere placuerit, libenter delibero nec tenere propono [*sic*] propter causam alicujus cujuscunque nisi ad suam voluntatem. Et ad hec omnia fideliter observanda erga dictum Gilbertum, Gillespyum Cambell dominum de Lochawa, meum patrem, inveni pro

¹ This writ is reprinted from the *Registrum de Panmure* (vol. ii. p. 175) as further illustrating the relations between Gilbert of Glassarie and the house of Lochow.

² Colin Campbell, who here appears as Commissioner for Gilbert of Glassarie with regard to his affairs in Argyll, is the well-known Colin Iongatach (*vide ante*, p. 91).

me fidejussorem. Et hoc omnibus tenore presencium declaro. In cujus rei testimonium sigillum meum presentibus est appensum, et patris cum sigillo meo, in Ecclesia sancti Mundi¹ in Congall in vigilia apostolorum Symonis et Jude² anno domini Millesimo ccc^o sexagesimo primo.

(Abstract.)

COLIN CAMBELL makes it known to all men that by a solemn oath he has bound himself to Gilbert of Glastrod to act for the said Gilbert within the sheriffdom of Argyll in his just affairs during the time granted to him by the said Gilbert. And in the event of any dispute arising between any of his kinsfolk and the said Gilbert to aid the said Gilbert against such kinsman or kinswoman at the sight of arbiters named by the said Gilbert, and to give up the office or bailiary granted to him when the said Gilbert shall so desire. And for the due observance of these undertakings his father Gillespy Cambell, Lord of Lochore, is cautioner.

XVI. TESTIFICATE BY THE PRIOR OF ST. KATTAN AND THE RECTOR OF KYLMOR that Mariota, daughter of John Baron and relict of Ewen M'Yuar, had mortgaged to John MacAlan, Lord of Lorn, her land within the barony of Glastrach, October 12, 1371.³

Nobili viro ac suo Dno Guilberto de Glastrach Martinus Prior de S^{to} Kattano⁴ ac Dugallus Rector de Kylmor.⁵ Ergadien. Dioces. salutem. et relicta ambiguitatis orbita per viam incedere veritatis noverit igitur vestra præclara nobilitas quod presentes fuimus pro loco et tempore quibus Mariota Johannis Baronis Relicta bonæ memoriæ Eugenii M'Yuar in magna necessitate constituta ob defectum suæ sustentacionis seu alimonie quam pro tunc paciebatur impignoravit totam terram suam quam habuit infra

¹ The church of St. Mund in Cowall, situated at Kilmun on the Holy Loch, was made into a collegiate foundation in 1442 by Colin's son Duncan na-Adh. According to tradition his eldest son Celestine was buried there, and it has certainly been the burial-place of the House of Argyll ever since. The whole subject is dealt with by the Duke of Argyll in *The Scottish Historical Review*, vol. x. pp. 29 *et seq.*

² The festival of SS. Simon (Zelotes) and Jude falls on October 28.

³ Printed from Macfarlane transcript in Adv. Bib.

⁴ Prior of the Valliscaulian house of Archattan on Loch Etive.

⁵ The church of Kilmore was at the head of Loch Feochan.

baroniam de Glastrach situatam Johanni Alani¹ Dno de Lorn pro xl libris sterlingorum sibi in terminis inter eos statutis persolutis. In cujus rei testimonium sigilla nostra sunt appensa. Datum apud Monasterium de S^{to} Katano xii^o die mensis octobris anno dom: m^o ecc^o lxxi^o.

(Abstract.)

MARTIN, Prior of S. Kattan, and Dugald, Rector of Kylmor, of the diocese of Argyll, respectfully certify to Gilbert of Glastrach that they were present when Mariota, daughter of John Baron, relict of Ewen MacYvar, in her great necessity pledged her whole land lying within the barony of Glastrach to John Mac Alan, Lord of Lorn, for £40 sterling.

XVII. CHARTER BY ROBERT II. TO GILBERT DE GLASCESTRE and the heirs male of his body, whom failing to Alexander Skymcehur of Dundee and Agnes his spouse, and the longer liver of them, and the heirs begotten or to be begotten betwixt them, of the lands of Glascestre and others resigned by the said Gilbert, May 3, 1374.²

Robertus Dei gracia Rex Seotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem. Cum

¹ This writ, of which the ecclesiastical phraseology may be noted, is of great genealogical value as vouching the paternity of John, Lord of Lorne. This John MacAlan, who was thus not the son but the grandson of Bruce's enemy, John Baacach, as already stated (*vide ante*, p. 142, note 1), married Joanna, daughter of the Princess Matilda Bruce by her husband Thomas Isaac, and had part of the forfeited possessions of his house restored to him. Of Alan, his father, little is certainly known, though it seems probable that he is the person mentioned in various places in the *Calendar of Documents relating to Scotland*, vol. iii., and referred to by Mr. Bain in his Introduction, p. lxiv., where he says, 'Alan of Argyll, probably from his armorial bearings, a son of John of Lorne, was retained in the household of Edward II. after his father's death, and often appears on service in the marches.'

² As printed in the folio volume of the *Register of the Great Seal*, this charter is imperfect. It has therefore been thought well to give it here in full from the original.

Having apparently no hope of male issue Gilbert of Glassarie resigned his estates in Argyll, Perth, and Forfar into the hands of King Robert II., and from him obtained the regrant contained in this charter with remainder to his daughter Agnes and her husband Alexander Scrymgeour of Dudhope, Constable of Dundee and standard-bearer of Scotland, and the heirs of their marriage. It was by virtue of this destination that the Glassarie estates passed to the Scrymgeour family (*vide ante*, p. 119).

dilectus et fidelis noster Gilbertus de Glascestre non vi aut metu ductus nec errore lapsus set mera et spontanea voluntate sua omnes et singulas terras de Glascestre et castrum¹ ejusdem cum pertinenc. que et quod fuerunt ejusdem Gilberti infra vicec. Ergadie, ac omnes et singulas terras cum pertinenc. que fuerunt ipsius Gilberti infra vicecomitatus de Perth et de Forfar. tam infra burgos quam extra, nobis per suas patentes literas sursum reddiderit pureque et simpliciter resignaverit ac totum jus et clameum quod in eisdem terris et castro cum pertinenc. habuit seu habere poterit in futurum pro se et heredibus suis omnino quietum clamaverit in perpetuum. Noveritis nos dedisse concessisse et hac presenti carta nostra confirmasse eidem Gilberto omnes et singulas terras et castrum predictum cum eorum pertinenc. Tenend et habend predicto Gilberto et heredibus suis masculis de corpore suo legitime procreatis seu procreandis et quibus forte deficientibus Alex^{ro} Skyrmechur de Dundee et Agneti sponse sue ac eorum diucius viventi et heredes inter eos legitime procreatis seu procreandis, quibus forsan deficientibus heredibus prefati Gilberti legitimis quibuscunque de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas cum bondis bondagiis nativis molendinis multuris et eorum sequelis cum tenandiis et serviciis

¹ This is the only reference to a castle of Glassarie, unless, what seems an unlikely conjecture by Mr. Bain, that it is what is meant by the Steward's Castle of Glasrog (*Calendar of Documents*, ii. No. 903) is well founded. There is an old castle at Fincharn near the west end of Lochaw. Its ruins show that it must have been a place of considerable strength. An old legend, preserved in the *New Statistical Account* of the parish, tells that it once belonged to a certain Mac Vic Ian, who, on the marriage of one of his tribe, claimed the *jus primae noctis*, with the result that the enraged bridegroom set the castle on fire. There is no evidence that this barbarous custom ever existed in Scotland, but the traditions to that effect are not infrequent. For instance, in a miscellaneous collection of MS. (Adv. Bib., MSS. 22.2.9, No. 14) is the following curious statement: 'A predecessor of the present Glengarry was the last gentleman benorth the Grampian Hills who employed the *Merchata mulierum*. He was then upwards of eighty years of age, and when he could no longer enjoy that feudal custom he transferred his right to another gentleman, and during the remaining part of his life he was always present with that gentleman when he had an opportunity of exercising his right.' Cf. also *Highland Papers*, vol. i. p. 67 for Hugh Macdonald's account of an equally barbarous custom in Uist.

libere tenencium ac advocationibus ecclesiarum necnon cum omnibus aliis et singulis libertatibus commoditatibus aysiamenis et justis pertinenc. quibuscunque ad dictas terras et castrum predictum cum pertinenc. spectantibus seu quoquo modo juste spectare valentibus in futurum adeo libere et quiete plenarie integre et honorifice in omnibus et per omnia sicut dictus Gilbertus dictas terras et castrum predictum cum pert. de nobis ante nobis factam resignationem hujusmodi liberius et quiccius juste tenuit seu possedit Faciendo nobis et heredibus nostris servicia que dictus Gilbertus ante resignationem hujusmodi de predictis terris et castro cum pertinenc. facere tenebatur. Volumus tamen quod dictus Gilbertus de Glacestre habeat in dispositione sua decem marcas terre de dictis terris conferendas cuicunque voluerit hereditarie quas ipsius dispositioni specialiter committimus et in dicta nostro infeodatione talliata comprehendi nolumus. Set potius volumus et declaramus esse omnino exceptas et reservatas donationi et dispositioni Gilberti predicti. In cujus rei testimonium presenti carte nostre nostrum precepimus apponi sigillum Testibus venerabilibus in Christo patribus Willmo. Epo. Scⁱ Andre et Patricio Epo. Brechin. Johanne primogenito nostro Comite de Carryk Senescallo Scoc. Roberto Comite de Fyffe et de Menteth filio nostro dilecto Willmo. Comite de Douglas Johanne de Carrik Cancell. nostro Jacobo de Lyndesay nepote nostro Archebaldo de Douglas et Roberto de Erskene militibus apud Strivelyne tercio die Maii anno regni nostri quarto.

(*Abstract.*)

ROBERT, by the grace of God, King of Scots, seeing that Gilbert of Glacestr had freely resigned all and singular his lands of Glacestr with the castle and pertinents of the same lying within the sheriffdom of Argyll, and all and singular his lands with the pertinents within the sheriffdoms of Perth and Forfar, as well within burgh as without, gave, granted, and confirmed the same to the aforesaid Gilbert. To be held by the said Gilbert and the heirs male of his body, whom failing to Alexander Skrymgeour of Dudhope, and Agnes his spouse, and the survivor and the heirs gotten or to be gotten betwixt them, whom failing to Gilbert's own lawful heirs whomsoever, of the king and his

heirs as fully and freely as they were held by the said Gilbert prior to his resignation thereof. Rendering to the king and his heirs the services due likewise before that date. With power also to the said Gilbert to dispose of ten merk lands of the said lands as he should see fit, such ten-merk lands being accordingly excluded from the entail.

XVIII. WRIT OF RESIGNATION BY DUGALD DE DRUMMONDE
in favour of John Skyrmeschyr, Lord of Glaistr, of
his whole rights in the lands of Inverchrad and
others, June 10, 1412.¹

Omnibus hoc scriptum visuris vel audituris Dugallus de Drummonde² salutem in Domino sempiternam noveritis me non vi aut metu ductum nec errore lapsum sed mera et spontanea voluntate per fustum et baculum sursum reddidisse pureque et simpliciter resignasse Johanni Skyrmeschyr Domino de Glaistr totum jus et clameum juris quod unquam habui jure hereditario vel habere potero in terris et tenementis de Inverchrad³ cum dimidia marca de Charree et omnes terras ibidem jacentes divisas prout nunc jacent indivisas cum omnibus commoditatibus libertatibus et ayssiamentis ac pertinenciis quibus cunque ad dictas terras spectantibus seu quovis modo spectare valentibus quomodolibet in futurum, adeo libere quiete honorifice bene et in pace sicut aliqui predecessores mei seu nomine nostro dictas terras gaudebant seu possidebant prout in [*sic*] carta mea in se proportat et testatur sine contradictione qualicunque. In cujus rei testimonium quia sigillum proprium non habui sigilla nobilium virorum et discretorum Alexandri de Ogilby vicecomitis de Angus et Willmi de Erskyn Domini de Kynnoull cum instancia

¹ Printed from Macfarlane transcript in Adv. Bib.

² The Editor has so far failed to identify Dugald de Drummonde. His rights, whatever they may have been, seem to have been due to succession—probably in the female line.

³ As this writ is printed, not from the original but from the Macfarlane transcript in the Advocates' Library, it is impossible to be certain as to the spelling of the names. It seems, however, reasonable to conjecture that Inverchrad and Charree are intended for Innerchrae and Crarae on Loch Fyne, of which other variants—Innerhay and Crary—are to be found in No. XLIII. (*vide post*, p. 197).

apponi procuravi. Coram testibus viz. Magistro Henrico de Guthery Rectore de Fethyrkern Dno Willo Ramsay Thoma Elge et David Ovide burgen de Dundee¹ Decimo die Junii anno Dni Millimo cccc^{mo} duodecimo.

(*Abstract.*)

DUGALD OF DRUMMOND makes known to all men that he has resigned to John Skyrmeschyr, Laird of Glaistr, the whole right and claim of right which he ever had or could have by succession in the lands and holdings of Inverchrad with a half merk of Chraree, and all the lands lying there divided just as they now lie undivided with all the pertinents thereto belonging, as fully and freely as this has been enjoyed by his predecessors or in his name as his charter bears. It is further stated that as the granter has not a seal of his own the seals of Alexander of Ogilby, Sheriff of Angus, and William of Erskine, Lord of Kynnoull, are appended to the deed at his request.

XIX. NOTARIAL TRANSMPT, dated April 27, 1427, of Precept of Recognition of the third part of the lands of Glastir, and the lands of Edyrling, and citation before the King's Council, March 31, 1427.²

In nomine Domini amen. Noverint universi presens instrumentum publicum inspecturi quod anno ab incarnatione ejusdem millesimo quadringentesimo vicesimo septimo mensis aprilis die sexto indictione quinta pontificatus sanctissimi in Christo patris et domini nostri Domini Martini divina providentia pape quinti anno decimo In mei notarii publici et testium subscriptorum presentia personaliter constitutus nobilis vir dominus Johannes Skrymgeour miles constabularius de Dundee quamdam litteram papiream sanam et integram non vitiatam non cancellatam omni prorsus vitio et suspicione carentem

¹ From the names in the testing clause this deed would appear to have been executed in Angus, and probably in Dundee.

² This and the following writs throw considerable light on the old forms of procedure observed in litigations with regard to land. Apparently the third of Glassarie was claimed both by Duncan na' Adh of Lochow and by Sir John Scrymgeour, while Edderline was claimed by Sir John Scrymgeour and by the baron MacCorquodale. This precept orders the citation of the claimants, and in the meantime the sequestration of the lands.

signetoque domini nostri regis in cera rubea signatam mihi notario publico infrascripto tradidit perlegendam Cujus litterae tenor sequitur et est talis. Dere frende we charge yhow yat yir l̄is sene but delay yhe recognis¹ i our handis ye third parte of ye lands of Glastir yequhilks ar dobitabil betwix ye lorde Kambal² and scher John Skrgeour

¹ This must not be confused with the feudal casualty, or rather penalty, of recognition, which a vassal incurred by alienating more than a certain extent of his feu. To recognosce, according to Skene (*De Verborum significatione sub voce Recognition*), means generally an act whereby the superior of whom lands are holden in chief vindicates to himself the property thereof. Various instances are given of the circumstances in which recognition is competent, and in particular he says, 'Quhen twa or mair parties contendis be way of deede and armes, for the possession of landes, the superiour thereof may recognosce and sequestrat the samin, untill it be tried quhilk of them is lauchfull possessour; and thereafter let the lands to borgh to him, quha is found to hau the best richt of the possession.'

² It is stated in the *Scots Peerage* (vol. i. p. 331) that Duncan na' Adh 'was advanced to the dignity of Lord Campbell 1445.' The writ now under consideration, which is a formal document, flowing from the king and issued under the signet, and at the instance of an opponent, seems however to be authority for an earlier date. The designation, it will be noted, is in Scots—ye Lorde Kambal—and so is free from the complications associated with the Latin *dominus*, sometimes implying merely ownership, sometimes apparently indicating the chief of the name. If well founded, the suggestions now to be made may necessitate reconsideration of the precedence of some early dignities, and for its own sake, as well as for its bearing on the constitutional history of Scotland, the whole subject deserves fuller discussion than is here possible. Some points, however, may be noted. The first question seems to be, What is the authority for the date 1445? This is said to be Crawford, and on examination Crawford's authority is found to be a MS. entitled *Creations of the Nobility* penes Hamilton of Wishaw. Whatever may be the value of this MS., it appears to be wrong in the present instance, for one of the witnesses to a Crown Charter of Confirmation in favour of James Douglas, Earl of Avondale, dated September 20, 1440, was *Duncanus Dominus Campbell* (*Reg. Mag. Sig.*), and it may also be noted for what it is worth that a writ of 16th October 1434 is granted in favour of 'Magnifico et potenti domino Duncano Campbell domino de Lochow,' *vide post*, p. 155, note 1. Considerable changes followed the return of James I. in 1424 with new ideas derived from the knowledge of English affairs which he had acquired in his captivity. In particular, certain changes in the constitution of parliament were initiated by him. The whole matter is obscure, and the records are defective. But there seems general agreement that to the old peers, if they may be so called, whose dignities were purely territorial, he added men whose dignities were in a sense personal though still connected with land, and as hereditary as those which depended on the possession of a fief. According to the *Scots Peerage* the earliest of these new dignities seems to be that of

knycht, and ye lands of Edyrlīg with ye ptinēs ye quhilk

Lord Erskine, who is said for the first time to appear under that designation in 1438—in what writ, however, it is not stated. Lord Forbes, it is pointed out, is so styled in a writ of July 1, 1445 (*Acts of the Parliament of Scotland*, ii. p. 60), while others have precedence given them in respect that among the witnesses to the charter erecting the Lordship of Hamilton, dated 3rd July 1445, are ‘Willielmo, David, Archibaldo, Hugone et Alexandro, de Douglas Craufurdie, Moravie Ormonde et Huntlie comitibus consanguineis nostris carissimis. Duncano Patricio Willielmo Harberto et Alexandro, de *Campbell Graham Sommerveil Maxwell et Montgomerie et Parlamenti nostri dominis*’ (*ibid.*, ii. p. 59).

The same volume, however, seems to contain evidence of still earlier creations. On 1st March 1427-28 it was enacted that the small barons and free tenants need no longer personally attend parliaments or general councils provided that representatives were sent up from each sheriffdom, and that all bishops, priors, dukes, earls, *lords of Parliament* and barrents, whose attendance was desired, should be summoned by a special precept (*ibid.*, ii. p. 15). It therefore seems plain that Lords of Parliament were in existence at that date.

On 10th March 1429-30 there came before the Parliament held at Perth a dispute between Margaret, lady of Cragy, and Philip de Mowbray, concerning the lands of Luchald, the parties being represented respectively by John de St. Michaele and James de Laweddre. After certain procedure the record tells how the chancellor put the question to *the Lords of Parliament underwritten*, to wit certain bishops and earls and great officers—and the lords of Abercorn, Dalkeith, Erskine, Lochow, Gordon, Dirleton, Somerville, Maxwell, and Montgomerie, and also to many other prelates, barons, nobles, and commissioners of burghs as they were placed in order in their respective seats—and the said Prelates, Earls, Lords, Nobles, and Commissioners duly made answer thereto, with the result that the decision was in the lady’s favour (*ibid.*, ii. p. 28).

The actual words, which seem sufficiently important to require quotation at length, are as follows: Cancellarius a *dominis de parleamento subscriptis videlicet*, Dunkeldense, Aberdonense, Candidecase, Cathanense, Dumblanense, Lysmorense et Sodorense Episcopis, Ac Atholie, de Douglas, Angusie, de Marr de Craufurd et de Catnes comitibus necnon Constabulario Marscallo regni nostri, *dominis de Abircorne de Dalkethe de Erskine de Lochaw de Gordone, de Drylton de Somerville, de Maxwell et de Mongumbry* ac etiam multis aliis prelatibus baronibus nobilibus et burgorum commissariis ibidem presentibus. prout in ordine in suis sedibus situati erant, singillatim et successive petebat si per illa, que allegata erant coram eis, dicte Margrete esset de terris predictis restitucio facienda. Qui quidem prelati Comites *domini* nobiles et commissarii sic singillatim examinati concorditer, nemine contra dicente, dixerunt ipsam Margaretam fore ad dictas terras de Luchald restituendam, etc.

This seems conclusive evidence for the view that by 10th March 1430 the lords of Abercorn, Dalkeith, Erskine, Lochow, Gordon, Dirleton, Somerville, Maxwell, and Montgomerie were Lords of Parliament. And if this be so, and if as already stated Lords of Parliament were certainly in existence as early as March 1428, the evidence of the present writ that in 1427 Duncan na-Adh was formally styled ye Lord Kambal seems to warrant the opinion that the dignity had been conferred on him prior to that date. The fact that he is sub-

ye baron Makorquedel¹ clamys to be his, and sūmonds ye said partys to comper befor us at our consele at perth ye last day of Juin next tocūin or ellis quhareū it happȳ to be with cōtinuatiōn of dayis gifin unḁ our signet at Perth ye last day of March and of our regne ye xxi yhers. Post cujus quidem litterae perlecturam prefatus dominus Johannes Skrimgeour de ejusdem litterae copia et tenōre sibi fieri petiit publicum instrumentum. Acta fuerunt hec in ecclesia fratrum villae de Dundee anno die mense indictione et pontificatu quibus supra presentibus nobilibus viris Johanne de Ogilby, subvicecomite de fforfar, Ricardo Lowele domino de ballumby David de Ogilby domino ejusdem Thoma de Fothringame de Powry cum multis aliis testibus ad premissa vocatis pariter et rogatis.

sequently designed Dominus Duncanus Campbell de Lochow or Sir Duncan Campbell, or simply Duncan Campbell of Lochow, seems immaterial. Witnesses to the Charters of King James II. in the published *précis* of the *Great Seal Register* include Pat. Dom. le Grahame Miles, Wil. Dom. Somerville Miles, And. Dom. le Gray Miles, and even Will. Comes de Douglas Miles. And it is not surprising that some variety should appear in the designations of the persons on whom the new dignity had recently been conferred. Curiously enough Nisbet (II. *The Ragman Roll*, p. 28), without citing authority, says of the Campbells: 'They came to be Lords of Parliament by King James I. in 1427.'

¹ Like the Chief of the Macnaughtans, who was known as the Baron Macnaughtan (*vide* vol. i. pp. 108, 109), his neighbour MacCorquodale of Fantelands seems from a very early date to have been styled the Baron MacCorquodale. In 1403, it is said in *The Origines Parochiales* (II. i. p. 130), Margaret, the daughter of Gyllechrist, called Macgillegeachin, with the consent of her son and heir, Fynlay MacAwaran, resigned to Colin Campbell, Lord of Lochow, her overlord, the sixth part of Upper Lochow and other lands which belonged to her in heritage, and formerly belonged to Alexander M'Neacden, lord of the same lands, and to this statement is added the following note: 'Finlay MacAwaran (that is, Finlay, the son of the baron) appears to be Maccorquodill, who is still locally known as Macwaran.' It is thus also conceivable that Mariota, the daughter of John Baron and relict of Ewen M'Yvar, who appears in No. XVI. (*vide ante*, p. 147) as having mortgaged her land in 1371, may have been one of the same family.

The meaning of the term baron is discussed later (*post*, p. 241), and it is sufficient here to say that in early times it was not limited to the holder of lands on what is now technically known as a barony title (*vide ante*, p. 138, note 2). On 21st April 1542 (*Reg. Mag. Sig.*) the MacCorquodale lands were erected into the barony of Fantelands, but there is no evidence that they were held on a barony title prior to that date. Moreover, on 16th October 1434, perhaps as one of the results of this litigation, Ewen MacEwen Makcorquydill, 'dominus de Phantelane,' resigned 'magnifico et potenti domino Duncano

Et ego Johannes Idill clericus sancti Andreae diocesis publicus auctoritate imperiali notarius predictam litteram vidi tenui perlegi et copiavi et hic fideliter transcripsi nil addendo vel diminuendo quod sensum mutet aut variet intellectum. Presensque publicum instrumentum manu mea propria scriptum exinde confeci. Signoque meo solito et consueto signavi rogatus et requisitus in testimonium veritatis.

(Abstract.)

It is made known to all men that on April 6, 1427, fifth indiction and tenth year of the pontificate of Martin v., in the presence of John Idill, clerk of the diocese of St. Andrews, notary public, and the witnesses

Campbell domino de Lochow *domino meo singularissimo* his whole rights in or to the patronage of the parish church of St. Peter the Deacon of Lochow, now known as Kilchrennan (Session papers in *Duke of Argyll v. Campbell of Lochnell*, 18 R. 1094). And it would rather seem from the terms of this writ that the granter was at that date in some way dependent on the Lord of Lochow.

Little seems to be known about the MacCorquodales. Buchanan of Auchmar, writing before 1723, says: 'There is also in Argyllshire a gentleman of a small estate designed MacOrquodall of Faint Islands. His interest lies upon the south side of Lochow, and he is accounted one of the most ancient gentlemen, of his own station, in that shire, or probably of any other in this kingdom, it being with assurance asserted, that the cause of his ancestors getting that estate was for taking down the head of Alpin, King of the Scots, by night off the walls of the capital city of the Picts, where these had affixed it, and upon bringing the same to King Kenneth the Great, he was for that service recompensed with that estate possessed by his successor as yet; and that there was a charter granted of that estate by King Kenneth, which is reported to have been sent, upon his earnest request, to Sir George Mackenzie, to be perused by him, some little time before the Revolution, and that the same was not got back. However this be, that gentleman is reputed to be of very great antiquity by all of these parts, but I could not obtain any distinct account of the same or of his armorial bearings' (*Ancient Scottish Surnames*, p. 154).

The name seems certainly of Scandinavian origin. According to Macbain (*Inverness Names*, p. 37), it is for M'Thorkettill, which seems probable, and this he says means 'Thors Kettle'—the sacrificial vessel of Thor—an explanation which it is more difficult to accept. Fantelands, it is said, means the white island, and this seems probable, for the MacCorquodales' place of strength was on one of the islands in Loch Tromlee, not far from Kilchrenan. One of the islands in that loch still bears the name of *Eilan a bhairain*—the baron's island—and another is called *Eilean Tighe bhain*—the island of the white house.

Buchanan's inability to discover the arms seems strange, as these were recorded in the Lyon Register before 1678 as—*argent*, a stag *gules* attired *or*, issuing from a fess wreathed of the second and third.

underwritten personally appeared Sir John Skrymgeour, Constable of Dundee, handed to the said notary to be read a certain letter on paper, whole and entire, and not vitiated or cancelled, free from all fault and suspicion and sealed with the signet of the king in red wax, which he handed to the said notary, whereof the tenor follows. (Here follows the precept in the vernacular.) After the reading of which letter the foresaid Sir John craved a copy thereof in the form of a public instrument. These things were done in the Church of the Friars of the town of Dundee, year, day, month, indiction and pontificate above mentioned.

XX. NOTARIAL TRANSMPT, dated April 27, 1427, of Precept of Recognition of the third part of the lands of Glastir, and the lands of Edirlyng, March 31, 1427.

In nomine Domini amen Noverint universi presens instrumentum publicum inspecturi quod anno ab incarnatione ejusdem millesimo quadringentesimo vicesimo septimo mensis aprilis die sexto Indictione quinta pontificatus sanctissimi in Christo patris et domini nostri Domini Martini divina providentia pape quinti anno decimo in mei notarii publici et testium subscriptorum presentia personaliter constitutus nobilis vir dominus Johannes Skrymgeour miles constabularius de Dundee quamdam litteram papiream sanam et integram non vitiatam non cancellatam omni prorsus vitio et suspicione carentem signetoque domini nostri regis in cera rubea signatam mihi notario publico infrascripto tradidit perlegendam cujus litterae tenor sequitur et est talis. Rex Dere frende we charg yhou yat yir Iris sene but delay yhe recognis ī our handis ye third part of ye lands of glastir and ye lands of Edirlyng with ye p̄tinēs noth lattand ye said landis to boreh¹ quhil yhe hafe cōmaundnēt of us givī und^r our

¹ Here it will be noticed there is no citation of the parties to the dispute. The precept merely directs the sequestration of the lands, and declares that they are not to be given out on security until further instructions. *Borch*, according to Skene, *sub voce*, is 'ane cautioner, pledge or sovertie in Latine *Fide jussor*,' and under *Plegius* he says, 'to let landes to borgh is quhen ony controversie, being for the possession of landes, the samin after inquisition and tryall taken thereanent, given and committed to the last lauchfull possessour of the samin lands under borgh and caution, that he sall restore the samin to him quhom sall be found to have richt thereto,' and then he repeats the statement made in note as to the intervention of the superior.

signet at Perth ye last day of march and of our regne xxi yher post ejus quidem litterae perlecturam prefatus dominus Johannes Skrymgeour de ejusdem litterae copia et tenore sibi fieri petiit publicum instrumentum. Acta fuerunt hec in ecclesia fratrum ville de Dundee anno die mense indictione et pontificatu quibus supra, presentibus nobiles viris Johanne de Ogilby subvicecomite de fforfar Ricardo Lowel domino de Balumby David de Ogilby domino ejusdem et Thoma de Fothryngame de Powry cum multis aliis testibus ad premissa vocatis pariter et rogatis.

[Notarial docket identical with No. XIX.]

(*Abstract.*)

It is made known to all men that on April 27, 1427, fifth indiction and tenth year of the pontificate of Martin v., in the presence of John Idill, clerk of the diocese of St. Andrews, notary public, and the witnesses underwritten, personally compeared Sir John Skrymgeour, Constable of Dundee, and handed to the said notary to be read a certain letter on paper, whole and entire and not vitiated or cancelled, free from all fault and suspicion and sealed with the signet of the king in red wax, whereof the tenor follows. (Here follows the precept in the vernacular.) After the reading of which letter the foresaid Sir John Scrymgeour craved a copy thereof in the form of a public instrument, these things were done in the Church of the Friars in the town of Dundee, year, day, month, indiction and pontificate above written and many others.

XXI. PRECEPT UNDER THE QUARTER SEAL for citing Duncan Cambel of Lochaw before the King or his Council, December 8, 1427, with certificate of execution endorsed thereon.

Jacobus dei gratia Rex Scotorum Vicecomiti et ballivis suis de Dunbrettane salutem, mandamus vobis et precipimus quatenus summoncatis legitime coram testibus Duncanum Cambel de Lochaw quod compareat coram nobis seu nostro consilio apud Edinburgh vicesimo septimo die mensis Januarii proximi futuri cum continuatione dierum vel alibi ubicunque contigerit nos vel dictum consilium nostrum tunc tempore residere ad instantiam

Johannis Skrimgeour constabularii de Dundee militis responsurus et juri pariturus. Et vos predictas litteras debite executas indorsatas et sigillo vestro sigillatas earundem tradite portitori : datum sub testimonio magni sigilli nostri apud Edinburgh octavo die mensis decembris Anno Regni nostri vicesimo secundo.

Endorsed :—

Et ego Johannes de Culqwon¹ vicecomes de Dunbrettan monui ac citavi, Duncanum Cambel de Lochawa Apud le Carryk die dominica quarto die mensis Januarii etc. xxvii^o ad comparandum coram Domino nostro Rege et ejus consilio apud Edinburgh secundum tenorem precepti domini nostri regis hiis testibus Roberto de Culqwon de Caumstradan, Willelmo Arthurson et Waltero Clerico cum aliis.

(Abstract.)

JAMES, by the grace of God, King of Scots, charges his sheriff and bailies of Dumbarton to lawfully summon before witnesses Duncan Cambel of Lochow to compare before the king or his council at Edinburgh on the 27th day of January next to come with continuation of days, or where else soever the king or his said council may happen to be at the time, to answer and obey the law at the instance of Sir John Skrimgeour, Constable of Dundee.

The endorsation bears that John de Colquhoun, Sheriff of Dumbarton, duly summoned the said Duncan Cambel of Lochow at Carryk in terms of the precept before the witnesses therein written and others.

XXII. PRECEPT UNDER THE QUARTER SEAL for citing Duncan Cambel of Louchquhaw and the Baron Makcorkirdal before the King or his Council, June 20, 1428.

Jacobus dei gratia Rex Scotorum Vicecomiti et ballivis suis de dunbrettane salutem Quia alias apud Dundee in ultimo scaccario nostro Duncanus Cambel de Louchquhaw et baro de makcorkirdal per consilium nostrum citati fuerunt ad comparandum coram nobis vel dicto consilio

¹ Apparently the laird of Colquhoun, who was also Governor of Dumbarton Castle. le-Carryk is Carrick Castle on Loch Goil. Robert Colquhoun, the first of Camstradan, was the uncle of the Sheriff. William Arthurson was probably a MacArthur.

nostro ad terminum xl dierum ubicunque pro tunc nos et dictum consilium declinare contigerit cum suis juribus et munimentis penes causam pendentem inter ipsos et Johannem Skrymgeour militem constabularium de Dundee super tertia parte terrarum de Glastre ac terris de Eddir-ling cum pertinentiis non comparuerunt sed contumaciter se absentarunt.¹ Vobis precipimus et mandamus quatenus dictos Duncanum et baronem publiciter summoneri faciatis quod compareant coram nobis vel nostro consilio ad primum diem proximi parliamenti vel consilii nostri generalis ubi et quando alterum ipsorum primo teneri contingerit cum suis juribus et munimentis ad videndum cui ipsorum de jure dictas terras alias per nos recognitas ad plegium concedere debemus. Intimantes eisdem quod sive ad dictum terminum comparuerint sive non procedetur in causa ipsorum absentia non obstante. Has litteras nostras per vos debite executas indorsatas et sigillo vestro sigillatas tradite portitori earundem datas sub testimonio magni sigilli² nostri apud Edinburgh vicesimo die mensis Junii Anno regni nostri vicesimo tertio.

(Abstract.)

JAMES, by the grace of God, King of Scots, to his sheriff and bailies of Dumbarton, greeting. Forasmuch as at Dundee in our last Court of Ex-

¹ No attention had been paid to the previous citations. The present summons accordingly intimates to the defenders that whether they appear or not the proceedings will go on.

² It will be observed that whereas the preceding writs contained in Nos. XIX.-XX. were issued under the Signet, this and Nos. XXIII. and XXIV. are under the Quarter Seal, known technically as the testimonial of the Great Seal. Dr. Maitland Thomson has kindly supplied the following note on this obscure subject: 'I laboriously ascertained that, down to the return of James I. from England, "sub testimonio magni sigilli" meant no more than "sub magno sigillo." The first occurrence of the Quarter Seal under that name (*Test. Mag. Sig.*) is immediately after James I.'s return. I concluded that it must have come from England. But no English scholar knows anything about it except that the *half* seal was used in certain cases, as is known by allusions not by instances. I take it that our Quarter Seal would be about as obscure if it were not for its use in Chancery Precepts of Sasine, which did not obtain in England. It is, however, still recognised as the proper seal to append to certain classes of writs which in practice are never sealed.' For an account of the various seals and their uses see Hope, *Minor Practicks*, title viii., Erskine, ii. 5, 82.

chequer Duncan Cambel of Lochow and the Baron de Makcorkirdal were cited to appear before us or our council at the end of 40 days wheresoever we or our council might chance to be sitting for the time with their rights and muniments relating to the cause pending between them and Sir John Skrymgeour, Constable of Dundee, concerning the third part of the lands of Glassarie and the lands of Eddirling with the pertinents, and did not appear but contumaciously absented themselves. We therefore charge you to cause the said Duncan and Baron to be publicly summoned to appear before us or our council on the first day of our next parliament or general council, which ever shall first happen to be held, with their muniments, to see to which of them the said lands previously recognised by us we ought by law to grant the same under security, certifying them that whether they appear or not, the cause will be proceeded with.

XXIII. TESTIFICATE UNDER THE QUARTER SEAL following on decret of Parliament ordering inquisition to be taken by the Sheriff of Perth as to the rightful possessor of certain lands ; dated 20th March 1429-30.

Jacobus Dei gratia Rex Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint, salutem Sciatis quod die vicesimo mensis Martii anni subscripti decretum erat et ordinatum per parleamentum¹ nostrum super questione terrarum mota inter Duncanum Cambel dominum de Lochaw ab una parte et Johannem Skirmgeour militem parte ab altera quod vicecomes de Perth capiet inquisitionem² coram eo die Martis tribus ebdomadis proximo sequentibus festum Pasche proximo futurum quis eorum videlicet Duncani vel Johannis predictorum est legitimus possessor terrarum de quibus inter eos dicta questio vertit. Et Johannes de Sancto Michael³ procurator fiscalis Domini nostri Regis protestabat pro parte dicti Domini nostri Regis in dicta materia. Datum sub testimonio magni sigilli nostri apud Perth dicto vicesimo die anno Domini millesimo quadringentesimo vicesimo nono. et regni nostri vicesimo quarto.

¹ The Records of this Parliament are very imperfect, and the latest entry that appears in the *Act. Parl. Scot.* (taken from the Register of the Great Seal), vol. ii. p. 28, is dated 10th March 1429-30.

² It will be noticed that this is not a precept directing the Sheriff to summon an inquest, but a formal statement of what Parliament had ordered.

³ John de St. Michael^e seems to have appeared also for private litigants, *vide ante*, p. 154, note 2.

(Abstract.)

JAMES, King of Scots, makes known to all, that on 20th March 1429-30 it was decreed and ordained by Parliament anent the question between Duncan Campbell, Lord of Lochow, and Sir John Skrymgeour, that the Sheriff of Perth should hold an inquest, on Tuesday three weeks after Pasche, as to which of these two is the lawful possessor of the lands in dispute, John de St. Michael, the procurator-fiscal of our Lord the King, protesting on His Majesty's behalf in the matter foresaid. Given under the Quarter Seal, at Perth, on the said 20th March 1429-30.

XXIV. PRECEPT UNDER THE QUARTER SEAL AT THE INSTANCE OF SIR JOHN SCRYMGEOUR FOR CITING EUGENIUS MACTORQUEDIL before the Sheriff of Perth, May 11, 1430, with certificate of execution endorsed thereon.

Jacobus dei gratia rex Scotorum vicecomiti et ballivis suis Ergadie salutem. Mandamus vobis et precipimus quatenus summoneat¹ seu publice summoneri faciatis Eugenium Mactorquedil¹ quod compareat coram vicecomite nostro de Perth vel ejus deputato die martis proximo post festum beati Michael Archangeli proximo futurum cum continuatione dierum Ad instanciam Johannis Scrymgeour militis responsurus et juri pariturus penes debatam motam inter eos super terris de Edderling et Cammysnew²

¹ This is a good instance of how mistakes occur. The letters c and t, as written in the fifteenth century, are very similar, and often confused. Here the scribe, not knowing the names, uses an unmistakable t.

² While there is no record of the decision in these litigations, the result can yet be gathered from the terms of this and the following documents. The dispute between the Constable of Dundee and the Baron MacCorquodale related to the lands of Edderlin and the pertinents—otherwise Edderlin and Cambysnieu—cf. Nos. XIX. and XX.—which, it will be remembered, had been granted to Gilbert of Glassarie in 1346 on the forfeiture of the heirs of John MacEwen (*vide ante*, p. 136). It does not appear on what MacCorquodale's claim was based, but he seems to have been successful, as in 1495 his descendant, Ewen MacCorquodale, excambed his lands of Edderlin, Cambysnieu, and Carren, with the Earl of Argyll, for the lands of Fanen, Schillachane, Craginterf, and Coriwrannarane. The Crown Charters confirming the transaction are dated 11th May 1496 (*Reg. Mag. Sig.*).

The dispute between the Constable and Lochow was with regard to the third of Glassarie—No. XIX.—and in this the former seems to have been successful, at least so far as the superiority was concerned.

infra vicecomitatum Ergadie et quod secum deferat cartas et evidencias suas dictas terras tangentes et has litteras nostras per vos debite executas indorsatas et sigillo vestro sigillatas tradite earundem portitori, datum sub testimonio magni sigilli nostri apud Perth undecimo die mensis maii Anno regni nostri vicesimo quinto.

Endorsed: Ego Duncanus Cambel vicecomes Ergadie summonui Eugenium Macorquodill primo die mensis septembris quod compareat coram vicecomite de Perth loco et die in brevi expressis, apud Inchalte¹ hiis testibus Colino Cambell Dugallo Cambel Duncano . . . et aliis in testimonium hujus signetum meum presentibus apponi feci die et loco antedicto.

(*Abstract.*)

JAMES, by the grace of God, King of Scots, charges his sheriff and bailies of Argyll to summon or cause to be summoned publicly Ewen Mactorquedil to appear before the Sheriff of Perth or his deputy on Tuesday after Michelmas next to come, with continuation of days to answer and obey the law at the instance of Sir John Scrymgeour concerning the dispute betwixt them regarding the lands of Edderling and Camysnew within the sherriffdom of Argyll, and to bring with him his charters and evidents touching the said lands.

The endorsation bears that Duncan Cambel, Sheriff of Argyll, summoned the said Ewen Macorquodill at Inchalte in terms of the precept before the witnesses therein named.

XXV. NOTARIAL TRANSMPT, dated June 20, 1430, of the said Precept.²

In nomine Domini amen, Anno ab incarnatione ejusdem millesimo quadringentesimo tricesimo, mensis junii die vicesimo indictione octava pontificatus sanctissimi in Christo patris et domini nostri Domini Martini divina providentia papae quinti anno decimo tertio, in mei notarii publici et testium subscriptorum praesentia personaliter constitutus nobilis vir dominus Johannes Skrymgeour

¹ Inishail, an island in Lochaw, on which there was a church dedicated to St. Fyndoca.

² It seems that before the Precept was despatched for service it was thought desirable to have a formal transcript made. The Precept, it will be observed, is dated May 11, and service was only made on September 1.

miles Constabularius de Dunde quasdam literas regias sub testimonio ejus magni sigilli sigillatas, sanas et integras non vitiatas non cancellatas non raras non abollitas, nec in aliqua sui parte suspectas, sed omni vicio et suspitione carentes, michi notario publico subscripto tradidit in formam publicam redigendas sub hiis verbis **Jacobus** dei gratia rex Scotorum vicecomiti et ballivis suis ergadie salutem, mandamus vobis et precipimus quatenus summoneratis seu publice summoneri faciatis **Eugenium Makcorquhedale** quod compareat coram vicecomite nostro de perth vel ejus deputato die martis proximo post festum beati Michael archangli proximo futurum cum continuatione dierum ad instantiam **Johannis Skrymgeour** militis responsurus et juri pariturus penes debatam motam inter eos super terris de Edyrling et Cambisnew infra vicecomitatum Ergadie et quod secum deferat cartas et evidencias suas, dictas terras tangentes, et has literas nostras per vos debite executas indorsatas et sigillo vestro sigillatas tradite earundem portitori, datum sub testimonio magni sigilli nostri apud perth undecimo die mensis maii anno regni nostri vicesimo quinto: et sic finiunt literae predictae, De quarumquidem literarum copia et tenore prefatus dominus **Johannes Skrymgeour** per me notarium publicum subscriptum sibi fieri petiit publicum instrumentum. Acta fuerunt hec apud **Dudup** prope **Dunde** anno die mense indictione et pontificatu quibus supra presentibus providis et discretis viris domino **johanne de lluchris** presbitero, **Radulpho Skrymgeour**, **thoma de ochtirlony**, **thoma de Kokburn** **willelmo de gulyne**, **Ricardo brady** cum multis aliis testibus ad praemissa vocatis pariter et rogatis.

Et ego **johannes ydill** clericus sancti **Andree** diocesis publicus auctoritate imperiali notarius praedictam literam regiam vidi et perlegi et hic fideliter transcripsi, factaque examinatione diligenti cum presenti transcripto quia id cum originali in omnibus concordare inveni, ideo hoc praesens publicum instrumentum inde confeci signoque meo solito et consueto signavi rogatus et requisitus in testimonium veritatis.

(*Abstract.*)

It is made known to all men, that on June 20, 1430, eighth indiction and thirteenth year of the pontificate of Martin v., in the presence of John Ydill, clerk of the diocese of St. Andrews, notary public, and witnesses underwritten, personally compeared Sir John Scrymgeour, Constable of Dundee, and handed to the said notary certain royal letters under the testimonial of the Great Seal, whole and entire, not cancelled or abolished nor suspect in any part, but free from all flaw or suspicion, that he might put the same into public form, as follows :—

(Here the precept follows as above.)

And the said Sir John Skrymgeour craved from the said notary that a public instrument should be made anent the copy and tenor of the fore-said letters. These things were done at Dudhope, near Dundee, year, day, month, indiction, and pontificate above written, before the witnesses there named and many others.

XXVI. NOTARIAL TRANSMPT, dated July 9, 1432, of (1) Indenture, dated April 23, 1431, between Duncan Cambele of Louchquhow, with consent of Gyllaspy Cambele, his son and heir, and Schir Jhon Scrymgeour, with regard to the excambion of Glassarie and Menstry; (2) Charter by said Duncan Cambel with consent of said Gyllaspy of Menstry to said Sir John Scrymgeour and Mariot Abirnethy his spouse, dated April 24, 1431; and (3) Precept under the Privy Seal for confirmation of said charter, dated April 26 of the 26th year of the King's reign.

In Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnatione divina millesimo quadringentesimo tricesimo secundo nona die mensis Julii indictione decima pontificatus sanctissimi in Christo patris ac domini nostri Domini Eugenii divina providencia pape quarti anno secundo, In mei notarii publici et testium subscriptorum presentia personaliter constitutus nobilis vir Dominus Johannes Skrymgeour miles constabularius de Dunde quendam litteram formam indenturae ut apparuit in se continentem in pergamino scriptam et sigillo nobilis et potentis domini Duncani Cambel domini de Louchquhow cum cera alba extra et intra cum rubea sigillatam mihi

notario publico presentavit et tradidit perlegendam cujus quidem indenturae tenor sequitur in hec verba. Yis indentur¹ made at Perth ye xxiii day of Avrill ye yher of our lorde a thousand four hundreth thretty and a yher perportis and beris witnes yat it is accordit betwene nobil and worthy men Duncan Cambele of Louchquhow and wyth ye consent and ye assent of Gyllaspy² Cambele his sone ande ayr on ye ta part and schir Jhon Scrymgeour constabil of Dundee knyght on ye toy^r pt in maner and forme as eftir folowes yat is to say y^t becaus of changing ye saide Duncan sal charter ye saide S^r Jhon and his ayris and his assignesi of al ye landis of Menstry³ wyth ye pertenans lyande within ye schrafedome of Clakmanane in fre baronry to be haldin of ye kyng als fuly as he wes feft of befor with ye clause of warandyse. ffor ye quhilk ye saide S^r Jhon sal charter ye saide Duncane and his ayris and his assigneis of al ye twa pts of Glast^r w^t ye dimysone of ye kyrk of y^t ilk wyth al his rychtis of ye superiorite of ye thrid pt. of Glast^r and of ye superiorite of ye thrid pt of ye landis of Kilmown and of his rychtis of ye landis of Eddirlyng and cūmysnew wyth ye pertenante in fre baronry and als frely as ye said S^r Jhon hade it of before wy^t ye clause of warandise and to be haldyn of ye kyng because of changing and at ather of ye pths sal gif til uthir all chartris evidentis and writis yat may mak help til oy^r

¹ From the terms of this writ it appears that the Constable had (1) the *plenum dominum* of two-thirds of Glassarie. (2) The patronage of the parish church which was situated at Killenuair on Lochaw, and was dedicated to St. Columba (*vide post*, p. 199, note 2). The use of the words *of that ilk* should be noted as a good illustration of the original meaning of a phrase that is in modern times often misunderstood. (3) The superiority of the remaining third of Glassarie, whatever that may have comprehended (*vide ante*, p. 139, note 2). (4) The superiority of one-third of Kilmun, and (5) certain rights in Edderlin and Cambynsieu. All these it was proposed by the indenture of 24th April 1431 to exchange for the lands of Menstry.

² Elsewhere called Archibald and Celestine. He died *vita patris*, and his son Colin was the first Earl of Argyll (*vide ante*, p. 96).

³ Though probably they had long been territorial magnates in Argyll, it is curious that Menstry is the first holding of the Campbells for which definite record evidence still exists. In 1264, according to the *Exchequer Rolls* (i. p. 24), the sheriff of Stirling deducts £40 from the Crown rents in respect of the lands of Mestreth (Menstrie) and Salwchop (Sauchie), 'datas Gillespico Campbell.'

of yair rychtis but fraude or gyle. Item ayir of yir ptis ar oblist and be yr present lettris oblyss yaim yair airis ande yair assigneis to manteine folow and defende uthir and to tak opin p^t in ye contrary gyf ony wald vex yaim or pled yaim in ye rychtis of ye saide landis out takande ye kyng alañly als oft and quhen as ony of ye p^{tis} requeris oy^r yarto. Alsua tuchande ye confirmacion of yair batharis charteris it is accordit yat al ye costis y^t is made y^rupon nocht excedande twenty pund athir party sal pay ye half and gif it excedis twenty punde ye said Duncane sal gif to ye saide S^r Jhon ten punde and ye saide S^r sal mak ye hale coste gif it may be resonably tretit at ye kyngis hand but fraude or gyle. And at al yir conditiones lely and treuly sal be keptit athir p^{tis} has made bodely aythe, ye haly ewangel tuchat, and to ye mair sykãness, to ye part of yis endent^e remaynande wy^t ye saide S^r Jhon Scrymgeour ye selis of ye saide Duncane and of ye saide Gillaspy his sone and his ayr ar to put and to ye p^t remaynande w^t ye saide Duncane and Gillaspy ye sele of ye saide S^r Jhon Scrymgeour is to put ye place ye day ye yher befor wrytterne. Qua indentura per me sic perlecta dictus dominus Johannes Scrymgeour miles quandam aliam literam ad modum carte confectam in pergamino scriptam sigillo predicti Duncani de Louchquhow una cum sigillo Gillaspy Cambel filii et heredis dicti Duncani Cambel cum cera alba extra et intracum rubra sigillatam non rasam non viciatam non cancellatam sed omni prorsus vicio et suspicione carentem ibidem etiam produxit et mihi tradidit publicandam; cujus carte tenor talis est. Omnibus hanc cartam¹ visuris vel auditoris Duncanus Cambel dominus de Louchquow salutem in domino sempiternam. Noveritis nos cum consensu et assensu Gillaspy Cambel filii nostri et heredis dedisse concessisse et hac presenti carta nostra confirmasse dilecto consanguineo nostro Johanni Scrymgeour militi Constabulario de Dundee totas

¹ From this charter, which followed on the indenture, it appears that Menstry was to be settled on the Constable's sons by his third wife, Mariota Abernethy, the widow of Sir Robert Maitland of Lethington. And the precept under the privy seal shows that the king's approval had been obtained to the transaction.

et integras terras nostras de Menstry cum pertinentiis jacentes infra vicecomitatum de Clakmanane causa puri excambii inter nos et dictum dominum Johannem de terris nostris de Menstry predictis et terris suis de Glastre Tenendas et habendas totas predictas terras de Menstry cum pertinentiis predicto domino Johanni et kare consanguinee nostre domine Mariote de Abirnethy sponse sue et heredibus suis masculis de corporibus suis procreatis legittime seu procreandis et eorum diutius viventi, Quibus forte deficientibus, quod absit, heredibus masculis dicti domini Johannis quibuscunque procreatis seu procreandis gerentibus seu gerenti arma et cognomen de Scrymgeour quibus forte deficientibus heredibus dicti domini Johannis legitimis et propinquioribus quibuscunque de domino nostro Rege et successoribus suis in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas in boscis planis moris maresiis pratis pascuis et pasturis viis semitis aquis stagnis vivariis petariis et turbariis et carbonariis molendinis multuris et eorum sequelis fabrilibus et brasinis aucupationibus venacionibus piscationibus cum bondis bondagiis nativis fugitivis et eorum sequelis cum tenandiis et tenandariis cum curiis eschaetis et curiarum exitibus in unam liberam et integram baroniam ac cum omnibus et aliis singulis libertatibus comoditatibus et aysiamentis ac justis pertinentis quibuscunque tam non nominatis quam nominatis tamsub terra quam supra terram ad dictas terras cum pertinentiis spectantibus seu quomodolibet spectare valentibus in futurum adeo libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut nos vel aliquis predecessorum nostrorum dictas terras cum pertinentiis de domino nostro Rege aut antecessoribus suis aliquo tempore retroacto liberius tenuimus et possedimus tenuit aut possedit, faciendo inde domino nostro Regi et successoribus suis dictus dominus Johannes et domina Mariota sponsa sua et eorum diutius vivens et heredes sui supradicti forinsecum servicium quantum pertinet ad dictas terras cum pertinentiis debitum et consuetum. Insuper volumus et concedimus pro nobis et heredibus nostris et assignatis

quod si dicte terre de Menstry fuerint a dicto domino Johanne heredibus suis aut a suis assignatis recuperate per quoscunque aliquo juris titulo in futurum quod dictus dominus Johannes heredes sui et sui assignati habeant liberum recursum ad terras antedictas de Glastre et Kylmown cum advocacione ecclesie ejusdem sine exceptione impedimento dolo vel fraude quibuscunque per nos heredes nostros aut assignatos faciendis quoquomodo. Et nos vero dictus Duncanus et heredes nostri totas et integras dictas terras cum pertinentiis predicto domino Johanni et Mariote sponse sue et heredibus suis ut prefertur contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus. In cujus rei testimonium presenti carte nostre sigillum nostrum una cum sigillo filii nostri et heredis antedicti est appensum, apud Perth vicesimo quarto die mensis Aprilis anno domini millesimo quadringentesimo tricesimo primo hiis testibus Reverendis in Christo patribus dominis dominis Johanne episcopo Glasguensi et cancellario Scotie et Johanne episcopo Rossensi et venerabili viro domino Thoma Sumervyle de Carnwyth¹ et nobilibus viris Johanne de Keth de Troup,² Thoma de Kynnarde de Culbyn, Dugallo Cambel, Roberto de Grame, et Alexandro de Gram armigeris cum multis aliis. Post cujus quidem carte lecturam sepedictus dominus Johannes Scrimgeour miles unam confirmationem in pergamino scriptam sigillo secreto Domini nostri Regis Jacobi cum cera alba sigillatam mihi notario publico ibidem monstravit et plegium fecit cujus tenor de verbo in verbum sequitur in hunc modum ;³

¹ Sir Duncan's son Archibald Roy seems to have been married to his daughter (*ante*, p. 97), though in the *Scots Peerage*, vol. i. p. 332, she is said to have been a daughter of John, third Lord Somerville of Carnwath.

² Ancestor of the Keiths of Northfield.

³ Although the transaction does not appear to have been formally completed by infestment, it was so far acted on that the Constable actually got possession of Menstry with full powers to act as landlord, and Lochow obtained possession of Glassarie. The writs here collected give no clue as to what had happened, or why the agreement might 'nocht be fulfillit and kept.' But it may be suggested that perhaps the consent of the Constable's eldest son was necessary, and that if so he may have refused to concur in an arrangement which seemed entirely in the interest of his half-brother.

Jacobus Dei gratia Rex Scotorum Reverendo in Christo patri Johanni episcopo Glasguensi Cancellario nostro salutem. Sciatis quod confirmavimus donationem et concessionem illas quas fecit dilectus et fidelis nostre Duncanus Cambel de Louchquhow dilecto nostro Johanni Scrymgeour militi de terris de Menstry cum pertinentiis jacentibus infra vicecomitatum de Clakmanane causa excambrii. Tenendas et habendas eidem Johanni et Mariote de Abirnethy sponse sue et heredibus suis masculis per talliam prout in carta dicti Duncani prefato Johanni inde facta in omnibus suis punctis et articulis continetur. Quare vobis precipiendo mandamus quatenus cartam nostram in forma capelle nostre debite prefato Johanni fieri faciatis super nostram confirmationem antedictam, salvo servicio nostro una cum wardis releviis maritagiis aliisque serviciis nobis debitis et consuetis. Datum sub sigillo nostro secreto apud Perth xxvi^o die Aprilis Anno Regni nostri xxvi^o. De et super quibus omnibus et singulis predictus dominus Johannes Scrymgeour miles petiit a me publico notario unum vel plura publicum vel publica sibi confeci instrumentum seu instrumenta. Acta erant hec apud Perth hora quasi undecima ante meridiem anno mense die indicione et pontificatu supradictis. Presentibus ibidem nobilibus et discretis viris domino Johanne Steuart de Cardeny, militi, Alano de Kynnard domino ejusdem, Thoma Charteris, Thoma de Kynnarde domino de Culbyn,¹ Alexandro de Abirnethy, Willemo de Kynnarde armigeris, Johanne Fern, Andrea de Inchemartyne, Andrea Scoule burgensibus de Perth cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Athera Presbyter Dunblanensis Diocesis publicus auctoritate imperiali notarius predictis monstrationi lectioni publicationi petitioni necnon omnibus aliis et singulis dum sic ut premittitur agerentur et fierent una cum prenomminatis testibus presens interfui eaque sic

¹ Probably the eldest son of Alan Kynnard of that ilk. He married Egidia Murray of Culbin, in Moray. Towards the end of the seventeenth century that estate was entirely destroyed by drifting sand.

omnia et singula fieri vidi et audivi ac exinde de mandato iptius domini Johannis Scrymgeour notam scripsi ex qua presens publicum instrumentum me aliis arduis prepedito negotiis per alium suprascrubi feci et hoc instrumentum meis solitis signo et subscriptione signavi rogatus et requisitus in fidem et testimonium omnium et singulorum premissorum ; et ad majorem evidentiam rei huic presenti instrumento sigilla nobilium virorum viz ; sigillum domini Johannis Stewart de Cardeny militis, sigillum Alani de Kynnard domini ejusdem, sigillum Thome Charteris de Cagnore¹ et sigillum Thome de Kynnarde de Culbyn sunt appensa coram testibus supradictis.

(*Abstract.*)

It is made known to all men that on July 9, 1432, tenth indiction and second year of the pontificate of Eugenius iv., in the presence of John Athera, Presbyter of the Diocese of Dunblane, and the witnesses underwritten, appeared personally Sir John Skrymgeour, Constable of Dundee, and handed to the said notary to read a certain parchment writ in the form of an indenture and bearing the seal in white wax without and red wax within of a noble and powerful Lord Duncan Cambel, Lord of Lochow, whereof the tenor is. (Here follows the indenture at full length in the vernacular.) And after the said indenture had been read the said Sir John handed to the notary another writ in the form of a charter or parchment bearing the seal of the said Duncan of Lochow along with the seal of Gillaspy Cambel, his son and heir, being of white wax without and red wax within, not vitiated or cancelled in any way and devoid of all fault or suspicion, that the same might be duly published, whereof the tenor is as follows : Duncan Cambel, Lord of Lochow, makes it known to all that with the consent of Gillaspy Cambel, his son and heir, he has granted and confirmed to his beloved kinsman, Sir John Scrymgeour, Constable of Dundee, all and whole his lands of Menstry in the sheriffdom of Clackmanan, in excambion for the lands of Glastre pertaining to the said Sir John. The said lands of Menstry to be held by the said Sir John and his wife, the granter's beloved cousin, Dame Mariota de Abir-nethy, and the survivor and the heirs-male of their marriage, whom failing, to the heirs-male of the said Sir John, bearing the name and arms of Scrymgeour, whom failing, his nearest and lawful heir whomsoever, of the king and his successors in fee and heritage for ever, with all their pertinents and privileges, rendering the forinsec service pertaining to the said lands ; it being further declared that in the event of the said Sir John, or those in his right, being evicted from the said lands of Menstry,

¹ The family is sometimes designed as of Kinfauns.

they shall have full recourse against the excambed lands of Glastre and Kilmown, and the advowson of the church thereof, and absolute warrandice being granted to the said Sir John and his spouse. After the said charter had been duly read the aforesaid Sir John Scrymgeour tendered to the notary a confirmation written on parchment and sealed with the Privy Seal of King James, in white wax, of which the tenor is as follows :—

James, by the grace of God, King of Scots, certifies the Reverend Father in Christ, John, Bishop of Glasgow, Chancellor, that he has confirmed the grant of the lands of Menstry made by Duncan Cambel of Lochow to Sir John Scrymgeour, by way of excambion, to be held by Sir John and Mariota de Abirnethy, his spouse, and their heirs-male in terms of the tailzie contained in the charter made by the said Duncan to the said Sir John, and directs him to have the necessary charter duly prepared and issued under reservation of all dues and services properly exigible.

Thereafter the said Sir John Scrymgeour craved from the notary a formal public instrument or instruments. All which things were done at Perth, at 11 o'clock before noon, year, day, month, indiction and pontificate aforesaid, in the presence of the witnesses specified and many others.

XXVII. PRECEPT UNDER THE PRIVY SEAL FOR A CHARTER OF CONFIRMATION to Duncan Cambell of Lochquhaw of the lands of Glastir ;¹ dated April 26, 1431.

Jacobus Dei gratia Rex Scotorum, reverendo in Christo patris Johanni Episcopo Glasguensi, Cancellario nostro, salutem. Sciatis quod confirmationem donacionem et concessionem illas quas fecit Johannes Scrymjour, Constabularius de Dundee, miles, dilecto nostro Duncano Cambell de Lochquhaw de terris de Glastir cum pertinentiis una cum advocacione ecclesie ejusdem de terris de Kilmown Eddirling et Cammysnew cum pertinentiis pro terris suis de Menstry causa excambii tenendis et habendis dicto Duncano et heredibus suis et assignatis de nobis et successoribus nostris in omnibus suis punctis suis [*sic*] et articulis sicut in carta dicti Johannis prefato Duncano inde facta plenius continetur, quare vobis precipiendo manda-

¹ Just as the precept set forth in the preceding transumpt directed the issue of a charter of confirmation of Menstry in favour of the Constable of Dundee, so this precept directed the issue of a charter of confirmation of Glassarie in favour of Lochow.

mus quatenus literas nostras sub magno sigillo nostro in forma capelle nostre debita fieri faciatis super nostra confirmacione antedicta, salvo servicio nostro unacum wardiis releviis maritagiis cum contigerint ac aliis serviciis debitis et consuetis. Datum sub [sigillo] nostro secreto apud Perth xxvj die mensis Aprilis anno regni nostri xxvj^{to}.

(Abstract.)

JAMES, King of Scots, makes known to his Chancellor, John, Bishop of Glasgow, that he has confirmed a grant made by John Scrynjour, Constable of Dundee, to Duncan Campbell of Lochow, of the lands of Glastir and their pertinents, the patronage of the Church of the same, and the lands of Kylmown, Eddirling, and Cammysnew, in excambion for the lands of Menstry, to be held of the King, all as set forth more fully in the charter by the said John to the said Duncan, and directs that letters in ordinary form should pass the Great Seal, saving always the King's service, along with ward and relief and marriage, and other services used and wont.—Given under the Privy Seal at Perth, April 26, 1431.

XXVIII. LETTERS of authority with regard to the tenants of Menstry, by Duncane Cambel, Lorde of Lochaw, to Sir Johne Scrymgeour, June 10, 1432.

Be it kend til al men be yir pñt lřez me Duncane Cambel lorde of lochaw to have gifyn and gñtit to and be y^r pñt lřez gifis and gñtis to my lufyt cosyng Sr Johne Scrymgeour kny^t constabil of Dũde my ful powere bath specialy and geñaly to distrenze and punde y^e tenandſ of menstry for ony malis wnlawis or ony oy^r rychtis ptenand to y^e said Sr Johne fr y^e day y^t I gert gif hy^m possession¹ to y^e day of y^e makīg of yir pñt. lřez and to do and to oys^e in y^t mater al y^t I my^t do my self as for y^t actionſ qwil he be fully by payt as law wyl forbedand ony ony [*sic*] of my tenādſ forsaid to mak lettyng to y^e said Sr Johne in qwat he resonably dois in to yir matĕrs. In witnace of y^e qwilk thyng to yir my pñt. lřez I hafe affixt to my seile at pth y^e x day of June y^e yhere of our lorde m̄ cccc xxx and twa zere.

¹ Possession of Menstry had thus actually been given to the Constable, whose dealings with tenants are here ratified *ex post facto*.

XXIX. OBLIGATION BY DUNCAN CAMBELL LORDE OF LOCHAW TO SIR JOHN SKRYMGIOUR, LORD OF GLASRY, upon not fulfilling of an appoyntment and conditions anent changing lands, July 10, 1432.¹

Be it kende to all men be thir present letteris me Duncan Cambell Lorde of Lochaw to have hecht and be thir letters truly to be oblist to a noble man Sir John Skrymgiour knyecht Lord of Glasry that because at the appoyntment and conditions made betwix me and the saide Sir John anent the changing of my lands of Menstry to him and his lands of Glasry to me as wes contenyt be our lettres and selis thairupon made, may nocht be fulfillit and kepit as was accordit,² I the said Duncan resignis et [*sic*] giffis up purly and symply all rycht and clame of rycht sesing and possession that I have tane of the saide lands of Glastry to the said Sir John his ayres and his assigneis but exception or clame to be made thro me myne ayris or myne assigneis in ony maner of wyse in tyme to cum for ony cause bigane to the day of the making of thir letters. Item I oblyse me that all wryte and evident that I had or has of the said Sir John langande the saide changing I sal gif up and deliver to the saide John but fraude or gyle. Item I oblise me that I shall mak the saide lands of Glasry fre of all unlawis of Justice ayr et [*sic*] Seraf Courte at the saide lands ar fallin in, fra the tyme thai come in my hands to the day of the makyng of thir presents all fraude and gile away put and removit. In the wytnes of the quhilk thing to thir letters I have gart hung my sele at Perth the tende day of July the zer of our Lorde a thousande four hundreth and thretty and twa zer before thir witness Gillaspy Cambel of Ergile³ John Stewart of Lorn Colyne Cambel Dugall Cambell Alexr the Grame Sir John of Atheray and mony others.

¹ Printed from Macfarlane transcript in Adv. Bib.

² *Vide ante*, p. 169, note 3.

³ The designation is noteworthy. Sir Duncan had in 1423 been designed *Duncanus Dominus de Argill* and *Duncan Cambel de Argyle* (*Foedera*, 3rd ed., iv. 4.101-2). But it was not till 1457 that his grandson Colin was created Earl of Argyll.

XXX. DISCHARGE BY JOHN MAKANE OF KYLMON¹
TO SIR JOHN SKRYMGEOUR, January 26, 1434.

Universis pateat per presentes me Johannem Makane de Kylmon recepisse et plenarie habuisse per manus nobilis viri domini Johannis Skrymgeour militis constabularii de Dundee quadraginta et octo marcas usualis monete regni Scotiae in quibus idem constabularius mihi tenebatur ratione et causa terrarum mearum de Kylmon in Covale jacentium et per me dicto constabulario libere venditarum a me et heredibus meis et sucessoribus quibuscunque eidem constabulario et heredibus suis pure et simpliciter pro perpetuo alienatarum cum suis pertinentiis universis quarum quidem quadraginta octo marcarum quadraginta marcae mihi erant plenarie persolutae et octo marcae Celestino Makane avunculo meo de qua vero summa quadraginta et octo marcarum fateor me bene contentum et plenarie satisfactum in effectu, ac predictum constabularium heredes suos executores et assignatos de totali summa predicta pro me heredibus meis executoribus et assignatis quibuscunque quietos clamo et exonero imperpetuum per presentes. In cujus rei testimonium sigillum meum presentibus apposui apud Dundee vicesimo sexto die mensis Januarii anno domini millesimo quadingentesimo tricesimo quarto hiis testibus Dominis Andrea de Twedale Ricardo de Lluchris presbyteris Johanne Skrymgeour de Henriston Eugenio Klerscharch Makane Makinurchly et Andrea de Kynnard cum multis aliis.

(Abstract.)

JOHN MAKANE of Kylmon makes known to all that he has received by the hands of Sir John Skrymgeour, Constable of Dundee, forty-eight merks, usual money of Scotland, due by the said Constable for the said

¹ Kilmun on the Holy Loch is separated from Glassarie by Loch Fyne as well as by the whole breadth of Cowal. And the Constable's possessions there, which probably explain this purchase of Makane's lands, seem to have come down to him from Gillascop Macgilcrist (*vide ante*, p. 122). The lands of Strohon or Strone, for example, which appear by name in the charter of 1240, remained with the Scrymgeours till 1474, when, along with Kilmun and other lands, they were acquired by Sir John Colquhoun of Luss from James Scrymgeour of Dudup (*Reg. Mag. Sig.*).

John Makane's lands of Kylmon sold to him, of which sum 40 merks were paid to the said John Makane and eight merks to his uncle Celestone Makane, the receipt of the whole sum of forty-eight merks being acknowledged, and the said Constable and his heirs being formally and fully discharged thereof, dated at Dundee January 26, 1434-35.

XXXI. INSTRUMENT UPON A DISCHARGE BY JOHN MAKANE OF KYLMON TO THE CONSTABLE OF DUNDEE for 48 merks : 26th January 1434-35.

In nomine Domini, Amen. Anno Incarnacionis Dominice millesimo cccc. tricesimo quarto mensis vero Januarii die vicesimo sexto indictione decima tertia pontificatus sanctissimi in Christo patris et domini nostri domini Eugenii divina providentia Pape quarti anno quarto. In mei notarii publici et testium subscriptorum presencia personaliter constitutus providus vir Johannes Makane de Kylmon non vi aut metu ductus nec errore lapsus sed sua libera et spontanea voluntate fatebatur se recepisse et plenarie habuisse per manus nobilis viri Domini Johannis Skrymgeour militis Constabularii de Dundee quadraginta octo marcas usualis monete regni Seocie, in quibus idem Constabularius sibi tenebatur ut asseruit racione et causa terrarum de Kylmon cum pertinentis in Covale jacentium et per ipsum Johannem ut asseruit dicto Constabulario libere venditarum ac a se heredibus suis et successoribus quibuscunque eidem Constabulario et heredibus suis pure et simpliciter pro perpetuo alienatarum cum suis pertinentis universis; quarunquidem quadraginta octo marcarum quadraginta marce eidem Johanni Makane ut asseruit erant plenarie persolute et octo marce Celestino Makane avunculo suo; de qua vero summa quadraginta et octo marcarum fatebatur se bene contentum et plenarie satisfactum in effectu, ac predictum Constabularium heredes suos executores et assignatos de totali summa predicta idem Johannes Makane pro se heredibus suis executoribus et assignatis quibuscunque quietos clamavit et exoneravit inperpetuum per presentes: Super quibus omnibus et singulis dictus Constabularius per me notarium publicum subscriptum sibi fieri peciit publicum instrumentum.

Acta fuere hec in orto australi ex parce ecclesie Fratris ville de Dundee anno die mense indictione et pontificatu quibus supra, presentibus ibidem discretis et providis viris Dominis Andrea de Wedale, Ricardo de Wuchris, presbyteris, Johanne Skrymgeour de Henristone, Eugenio Klaresthabeh Makane Makmurhlo, et Andrea de Kynharde, cum multis aliis testibus ad premissa vocatis pariter et rogatis. Et in evidentius testimonium premissorum prefatus Johannes Makane huic presenti publico instrumento suum proprium sigillum apposuit.

Et ego Johannes Ydill clericus Sanctiandree diocesis publicus auctoritate imperiali notarius premissis omnibus et singulis dum sic ut premittitur fierent et agerentur una cum prenominatis testibus presens interfui eaque sic fieri vidi et audivi et in hanc publicam formam redegii presensque instrumentum inde confeci signoque meo solito et consueto signavi, rogatus et requisitus, in testimonium veritatis omnium premissorum.

(*Abstract.*)

'It is made known to all that on 26 January 1434-35, thirteenth indiction and fourth year of the pontificate of Eugenius iv., in the presence of John Ydill, clerk of the Diocese of St. Andrews, notary, and the witnesses underwritten, personally appeared John Makane of Kylmon and acknowledged that he had received from the hands of Sir John Skrymgeour forty-eight merks, etc. (Here follow the details of the transaction as set forth in the preceding writ.)'¹

XXXII. INDENTURE between Sir Duncan Cambell and Sir John Skrymgeour, Constable of Dundee, excambing the lands of Menstry for those of Glastyr, November 16, 1443.²

Thir Indenturis made at Strivelyng the xvj day of

¹ This writ shows the extremely careful way in which the business was done. It also shows that what the notary and the witnesses attested was not the authenticity of the formal receipt embodied in the preceding writ, but the details of the transaction as these were enacted before them.

² In 1443 this fresh attempt to carry out the excambion was made, but it too seems to have come to nothing. And whatever may have been the 'avice of men of law' which the parties obtained, it does not seem that anything followed on this indenture.

Novembir the yher of our lorde M four hundreth fourty and thre yhere proportis and beris witnes in the self that it is apoyntit and fulleli acordit betuix nobill men that is to say S^r Duncan Cambell lorde of Lochow knyght on the ta parte and S^r John Skrymgeour constabil of Dundee knyght on the tothir parte in maner fourme and effect as eftir folowys that is to say that the saide S^r Duncan sal infeff and gife in entirchang and cossyng al his landis of Menstry liand within the Schirredom of Clakmanane to the said S^r John Skrymgeour and til his ayris in fee and heritage to be haldyn of the Kyng in fre baronry be service aucht and wont, with clause of warandise in als fast and sikir fourme as can be made be the avice of men of law as in cossyng, for the quhilk the said S^r John Skrymgeour sal infeff and gife in entirchange al his landis of Glastyr within the Schirredom of Ergile in propirte and tenandry with the pendiclis that is to say Edirlyng Cambisnew with five and twenty markis worth of Kilmoun in Kawale with the patronage of Saynt Colmys Kirk in Glastir as in cossyng to the said S^r Duncan in as fast and sikir fourme til hym and his ayris as the said S^r Duncane has feft the said S^r John Skrymgeour and his ayris of the landis of Menstry. And gif ony of thir partyis hafe ony clause in thair chartar unclere or questionabill the parti plenyheand sal in-fourme and warn his party of the defaultis and clausis doutfull and questionabill the quhilk sal renew and amend in hale and sikir fourme aythir parti til othir als oft als oft [*sic*] and quhen that ony fyndis thaim grefit or be chargit be his party of tha clausis or defawtis doutfull or questionabill within twyse fourti dayis eftir thai be requirit quhil bathe the partyis be made sikir and pesabill. Item be cause at the landis of Menstry was quhilum kossit with Arthur Cambell, the fadyr of Charlis Cambell now beand, for the landis of Straquhor¹ the said S^r Duncan sal gar the said Charlis gif his lettris of qwytcleme for hym and for

¹ This writ shows that Menstry had at one time belonged to the Strachur family, on whose pedigree it also throws some light.

his ayris of the landis of Menstry to the said S^r John Skrymgeour and his ayris in als fast and sikir fourme as can be made that the said Charlis na his ayris sal nevyr mak clayme in na to the landis of Menstry in tyme to cum. Item it is acordit that the said S^r Duncan na his ayris sal nevir mak clayme na lettynge in tyme to cum to the said S^r John Skrymgeour or his ayris in the beryng of the lioun in thair armys, bot at the said S^r John Skrymgeour and his ayris sal oyse and bere the lioun in thair armys frele as thair eldris did befor.¹ Item gif it happynnis, as God forbede, that this cossyng may noth sikirli be kept to bathe the partyis as is forsaide na thir condicionis in thir Indenturis contenit, bathe the partyis sal hafe fre retour and recourse to thair awn landis first had but ony obstakil questioun or demaund al fraude and gile or frivolis exceptioun awayput and excludit. Item it is acordit at the twa markis of annual that the blak freris of Striveling has of the landis of Menstry sal be for the said S^r Duncan Cambell and for S^r John Skrymgeour antecessouris and successouris and for thaim self.² And at al thir conditionis in al fourme and effect as is befor writin the partyis, for thaim and for thair ayris, ar oblist be the fayth of thair bodyis, the hali Ewangelis tuichit, lelie and trewli to kepe but fraude or gile or frivelous exceptioun. And for the mar evident witnes to the partis of thir indenturis aythir partis has enterchangeabli put to thair selis yher day and place befor writin.

¹ This is a most curious provision, and it would be very desirable to have some explanation of the reason for its insertion. The Scrymgeour arms, according to Nisbet, are—*gules*, a lion rampant *or* armed and langued *azure*, holding in his dexter paw a crooked sword or scimitar *argent*. It is difficult to see how the sale of Glassarie could in any way affect the right of the Scrymgeours to these arms which, according to their tradition, had been conferred on them centuries before they had had anything to do with any lands in Argyll. For a possible explanation, however, *vide post*, p. 225, note 3.

² It was apparently intended that after the excambion both parties should have a right to the prayers of the Black Friars of Stirling.

XXXIII. PRECEPT BY DUNCAN CAMBALL, LORD OF LOCHQUHOU, for infefting Sir John Skrymgeour, Constable of Dundee, in the lands of Menstry in exchange for those of Glastre, etc. ; dated November 16, 1443.

Duncanus Camball Dominus de Lochquhou miles dilectis nostris Domino Willelmo de Menteth Vicecomiti de Clakmanan militi et Jacobo Levynston filio et heredi Domini Alexandri de Levynston Domini de Kalandare¹ militis et eorum cuilibet conjunctim et divisim, salutem. Quia dedimus et hereditarie concessimus dilecto consanguineo nostro Johanni Skrymgeour Constabulario de Dundee militi totas et integras terras nostras de Menstry cum pertinentiis jacentes infra vicecomitatum de Clakmanan in excambium pro terris suis de Glastre, Edirlyng et Cambisneu una cum viginti quinque marcatis terre de Kylmun in Kouale cum patronatu ecclesie Sancti Columbe in Glastre infra vicecomitatum de Ergile, prout tenore carte nostre inde sibi confecte clare poterit apparere : Vobis igitur et vestrum cuilibet firmiter mandamus et precipimus quatinus dicto Domino Johanni Skrymgeour vel suo certo actornato latori presencium sasinam et statum hereditarium dictarum terrarum de Menstry cum pertinentiis juxta tenorem carte predictae visis presentibus tradatis seu alter vestrum tradat indilate, ad quod faciendum vobis conjunctim et divisim nostram plenam et liberam potestatem ac mandatum speciale committimus presencium per tenorem. Datum sub sigillo nostro apud Stryvelyng decimo sexto die mensis Novembris anno Domini millesimo quadringentesimo quadragesimo tercio.

(Abstract.)

DUNCAN CAMBALL, Lord of Lochquhou, in respect that he has granted to his beloved kinsman, John Skrymgeour, Constable of Dundee, Knight, his lands of Menstry, with the pertinents lying within the sheriffdom of Clackmanan, in excambion for his lands of Glastre, Edirlyng, and Cam-

¹ Sir Alexander Livingston, the ancestor of the Earls of Linlithgow and Callendar, was the rival of the Chancellor Crichton. His eldest son James was Great Chamberlain and the first Lord Livingston.

bisneu, along with the twenty-five merk lands of Kylmun in Kouale, and the patronage of the Church of St. Columba in Glastre, in terms of the charter thereof directs the persons named to give sasine of the said lands of Menstry to the said Sir John Scrymgeour, or his certain attorney, the bearer of these presents, giving them jointly and severally full power to that effect.—Given under the Granter's seal, at Stirling, November 26, 1443.

XXXIV. CHARTER BY SIR JOHN SKRYMGEOUR, Constable of Dundee, to Duncan Kambayl, Lord of Lochquow, of the lands of Glastyr, Edirlyng, and Cambisnew, etc.; dated October 30, 1448.

Omnibus hanc cartam visuris vel auditoris Johannes Skrymgeour, Constabularius de Dundee, miles, salutem in Domino sempiternam. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse magnifico viro et potenti domino Duncano Kambayl Domino de Lochquow militi totas et integras terras nostras de Glastyr Edirlyng Cambisnew una cum viginti quinque marcatis terrarum de Kilmun cum tenentibus et tendandriis earundem in Cowelle cum patronatu ecclesie Sancti Columbe in Glastyr jacentes infra vicecomitatum Ergadie in verum et purum excambium pro terris suis de Menstry cum pertinentiis jacentibus infra vicecomitatum de Clakmanan nobiscum factum: Tenendas et habendas totas et integras pre-nominatas terras de Glastyr cum pertinentiis predictis dicto Domino Duncano heredibus suis vel suis assignatis in verum et purum excambium pro terris suis de Menstry cum pertinentiis antedictis a nobis et heredibus nostris de domino nostro Rege et successoribus suis in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas in moris maresiis bossis planis viis semitis aquis stagnis pratis pascuis et pasturis lacubus rivulis vivariis molendinis multuris et eorum sequelis aucupationibus venacionibus et piscariis petariis turbariis carbonariis fabrinis et brasinis brueriis et genestis cum curiis et curiarum exitibus ac eschaetis earundem cum blodvettis et herieldis merchetis mulierum et wath in unam liberam et integram baroniam cum furca et fossa sok

et sak toll et theme infangande theff et outfangande theff cum bondis bondagiis nativis et eorum sequelis cum tenentibus et tenendriis liberetenencium serviciis ac cum omnibus et singulis libertatibus aliis commoditatibus et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam sub terra quam supra terram procul et prope ad totas et integras prenominate terras de Glastry cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum adeo libere quiete plenarie integre et honorifice bene et in pace in omnibus et per omnia sicut nos dictus Johannes aut predecessores nostri predictas terras cum pertinentiis de domino nostro Rege aut predecessoribus suis aliquo tempore retroacto liberius quocius plenius integrius et honorificencius tenuimus seu possedimus tenuerunt seu possederunt sine aliquo retinemento vel revocacione imperpetuum; Faciendo inde dictus Dominus Duncanus heredes sui vel sui assignati domino nostro Regi et successoribus suis servicium de dictis terris de Glastry cum pertinentiis debitum et consuetum. Et nos vero dictus Johannes et heredes nostri ac successores nostri totas et integras prenominate terras de Glastry cum pertinentiis superius expressatis dicto Domino Duncano heredibus suis vel suis assignatis in verum et purum excambium pro terris suis de Menstry cum pertinentiis in omnibus et per omnia ut premissum est contra omnes homines et feminas varantizabimus acquietabimus et imperpetuum defendemus. In cujus rei testimonium sigillum nostrum presenti carte nostre est appensum apud Strevilyng penultimo die mensis Octobris anno Domini millesimo quadringentesimo quadragesimo octavo, coram hiis testibus, Magistro Petro preposito ecclesie collegiate de Kilmun, Domino Roberto Deuare, vicario ecclesie Sancti Fenani,¹ Domino Thoma Esok, Donaldo Kambayl, canonicis ecclesie Ergadiensis, et Duncano Kambail, cum multis aliis.

¹ Kilfinan is the parish which skirts the Kyles of Bute and the lower part of Loch Fyne. Between 1231 and 1241 the church of Killinan and the patronage of the same was granted to the Monks of Paisley by two early Lamonts—Duncan, son of Fercher, and Lauman, son of Malcolm, nephew of the said Duncan (*Reg. de Passelet*, p. 132).

(*Abstract.*)

SIR JOHN SKRYMGEOUR, Knight, Constable of Dundee, makes known to all who shall see or hear this charter that he has granted, and by it confirms to a magnificent man and potent Lord Duncan Kambayl, Lord of Lochquow, Knight, his lands of Glastyr, Edirlyng, Cambisnew, with twenty-five merks of the lands of Kilmun, with the tenants and tenandries of the same in Cowelle, with the patronage of the Church of St. Columba in Glastyr, lying within the Sheriffdom of Argyll, in excambion for the lands of Menstry, with the pertinents lying within the Sheriffdom of Clakmanan. To be held by the said Sir Duncan and his heirs and assignees, with all their pertinents, privileges, and liberties of the King and his successors for the services used and wont, and the granter warranting the same against all mortals.—Given at Stirling, October 30, 1448, before the witnesses therein named.

XXXV. PRECEPT OF SASINE following upon the foregoing charter; dated November 16, 1448.

Johannes Skirmgiour, Constabularius de Dundee, miles, dilectis nostris Domino Colino Cambell de Glenurquha, militi, Johanni de Culquhone de Luss, Patricio Cambell de Kilmychell, Johanni Cambell de Ardchyengles, et Jacobo Skirmgiour, et eorum cuilibet conjunctim et divisim, salutem. Quia dedimus et hereditarie concessimus dilecto consanguineo nostro Duncano Cambell, Domino de Lochaw, militi, totas et integras terras nostras de Glastre Edirlynge et Cambisneu una cum viginti quinque marcatis terre de Kilmun in Kowale cum patronatu ecclesie Sancti Columbe in Glastre infra vicecomitatum de Ergyle in excambium pro terris suis de Menstry cum pertinentiis jacentibus infra vicecomitatum de Clakmanan prout tenore carte nostre inde sibi confecte clare poterit apparere, vobis igitur et vestrum cuilibet firmiter mandamus et precipimus quatinus dicto Domino Duncano Cambell vel suo certo actornato latori presencium saisinam et statum hereditarium dictarum terrarum de Glastre Edirlinge et Cambisnew una cum viginti marcatis et quinque terrarum de Kilmun in Kowale cum patronatu ecclesie Sancti Columbe in Glastre cum pertinentiis juxta tenorem carte predictae visis presentibus tradatis seu alter vestrum tradat

indilate, ad quod faciendum vobis conjunctim et divisim nostram plenam et liberam potestatem ac mandatum speciale committimus presencium per tenorem. Datum sub sigillo nostro apud Streveline decimo sexto die mensis Novembris anno Domini millesimo quadringentesimo quadragesimo octavo.

(*Abstract.*)

SIR JOHN SKIRMGEOUR, Constable of Dundee, Knight, after referring to the grant contained in the immediately preceding writ, No. xxxiv., directs the persons named to give sasine in the subjects to the said Sir Duncan Cambell, or his certain attorney.—Given under his seal, at Stirling, November 16, 1448.

XXXVI. DECLARATION BY DUNCANE CABELL OF KILMECHELL that he has given infeftment to James Scrimgeour, Constable of Dundee, of 66 merks' worth of land in the lordship of Glastir; dated July 22, 1479.

Till all and sindri quhais knaulagh thir letters sall to cum Duncane Cambell of Kilmechell schireff deputt of the schirefdome of Argaille till a rych nobill ande mychti lorde Coline Erll of Argaille Lorde Cambell and of Lorne and schiref of Argaille forwritin, greting in the Sone of the glorius Virgine. Sene medfull thing and mentabile is to ber witnes to the suthfastnes throu the occultacione of the quhilkis harme skathe or prejudis is genderit to the innocent, tharfor to your universiteis I mak knauin that I resavit a precept of saising of oure soveran Lordis chapell vnder the quhit waxt close directit me to giff saising hereditabile state and possessione to a nobill man James Scrimgeour, Constabile of Dundee, of thre scoire of merkis worth of lande and sex merkis worth with the pertinent liande within the lordeschip of Glastir within the sade schirefdome; ¹ the quhilk precept forsaide I opinnit and efter the tenore of the samyn I the saide Duncane schiref deputt geff saising hereditabile state and possessione to Archibalde Makevire of Pennymoure, attorney to the saide

¹ These 66 merklands are set forth in detail, *post*, p. 205.

James Scrimgeoure, of the saidis thre scoire of merkis worth of landis and sex forwritin, efter the tenore of the saide precept directit to me therupone and efter the tenore of his infestment, at Innerlieth the xxij day of July in the yeir of Gode anthousande four hundreth sevinti and ix yeiris, saufande ilk manis rych, befor thir witnes, Dugall Cambell, sone and ayere to the saide Duncan, Macolme Makawill, Donalde Makgybone, Johne Gorman Makavis, Allane his sone, Archibalde Makewor and Ewore Makewore, sonniss to the saide Archibalde. In witnes of the quhilk thing I haff appensit my sell to thir lettres day yeir and plase abuff writin.

XXXVII. CHARTER BY JAMES SCRYMGEOUR, Constable of Dundee, to James Scrymgeour, son of Mr. Hercules Scrymgeour, of the lands of Laichgory; dated July 11, 1480.

Omnibus hanc cartam visuris vel audituris Jacobus Scrymgeour, Constibularius de Dundee, eternam in Domino salutem. Noveritis me vendidisse ac titulo pure vendicionis a me et heredibus meis pro perpetuo alienasse¹ et hac presenti carta mea confirmasse carissimo consanguineo meo Jacobo Scrymgeour filio quondam Magistri Herculi Scrymgeour² omnes et singulas terras meas de Laichgory exstendentes annuatim ad summam quadra-

¹ This deed is really a mortgage or wadset, *vide post*, No. XLII., by which the right of reversion is assigned to Mr. John Scrymgeour, who had acquired Glassarie. Both the Latin and the spelling are very bad.

² Rector of Glassarie and a Canon of Argyll. A graphic story of an assault on him and on the Bishop by other clerics is preserved in *The Auchinleck Chronicle*, p. 50. In 1450 he was accused by Godfrey Godfridi, perpetual Vicar of St. Ferchanus in Knapdale (probably Kilberry), of perjury, and of having dilapidated the possessions of his Canonry and Rectory (*Cal. Papal Letters*, x. 470). He seems to have been succeeded in his preferments, and also in his controversy with Godfrey Godfridi, by Alexander Scrymgeour (*ibid.*, 692). This Godfrey seems to have obtained his own benefice in 1436 by accusing the incumbent, Ivor Colini, of dilapidation and of publicly keeping a concubine (*ibid.*, viii. 596), and to have been himself accused, unsuccessfully, of grave offences by another candidate for the living (*ibid.*, 625).

ginta solidorum cum dimedio marce molendini jacentes in baronia de Glaster infra vicecomitatum de Ergaile pro quadam certa summa pecunie mihi in mea necessitate pre manibus persoluta de quaquidem summa pecunie fateor me bene contentus et plenarie persolutus ac dictum Jacobum heredes suos masculos quieteclamo de eadem imperpetuum per presentes: Tenendas et habendas totas et integras predictas terras de Laichgory¹ exstendentes annuatim ad summam quadraginta solidorum cum dimedio marce molendini ejusdem terrarum prenominato Jacobo Scrymgeour et heredibus suis masculis de corpore suo legitime procreandis quibus forte deficientibus veris legitimis et propinquieribus heredibus meis quibuscunque de me et heredibus meis in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas pro ut jacent in moris marrasiis bossis planis viis semitis aquis stanguis pratis pascuis et pasturis molendinis muluris et eorum sequelis aucupacionibus venacionibus piscariis petariis turbariis carbonariis bruariis silvis memoriis virgultis genestis lapide calce cum libero introitu et exitu et cum comuni pastura cum curiis et curiarum exitibus et eschaetis earundem bluduitis herizeldis mulierum merchetis cum avaragiis et cariagis ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac justis suis pertinentiis quibuscunque tam sub terra quam supra terram tam non nominatis quam nominatis procul et prope ad totas et integras prenominatas terras de Laichgory cum dimedio marce molendini ejusdem terrarum cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete integre honorifice bene et in pace sine retenemento obstaculo aut revocacione quibuscunque imperpetuum et adeo libere quiete plenarie integre honorifice bene et in pace sicut alique terre infra regnum Scochie alicui seu aliquibus venduntur seu alienantur aut vendi seu alienari quoquomodo poterunt in futurum: Faciendo inde annuatim dictus Jacobus Scrymgeour et heredes sui masculi mihi et

¹ Now apparently Leckuary.

heredibus meis successoribus et assignatis servicia debita et consueta cum varda et relevio. Et ego vero predictus Jacobus Scrymgeour, Constibularius de Dundee, et heredes mei successores et assignati totas et integras prenominate terras de Laichgory cum dimedio marce molendini ejusdem terrarum cum pertinenciis predicto Jacobo Scrymgeour et heredibus suis masculis de corpore suo legitime procreandis quibus forte deficientibus mihi et heredibus appropinquibus meis quibuscunque contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus, non obstante quod ego antedictus Jacobus Scrymgeour, Constibularius de Dundee, vendidi omnes et singulas terras meas de Laichgory cum dimedio marce molendini ejusdem terrarum pro summa quadraginta librarum usualis monete regni Scocie predicto Jacobo Scrymgeour licebit mihi et heredes meos successores vel assignati predictas terras de Laichgory cum dimedio marce molendini ejusdem terrarum redemere pro predicta summa quando ego vel heredes mei successores vel assignati pagamus antedicto Jacobo heredibus suis masculis predictam summam quadraginta librarum prenominate monete tunc ego et heredes mei masculi erimus a predictis terris absoluti penitus et omnino cum sit summa soluta ut predicatur, et casso et adnullo pro me et heredibus meis masculis omnes cartas literas evidencias instrumenta et literas ballie necnon proprietatem et possessionemquam seu quas ego habeo vel heredes mei masculi in vel ad predictas terras cum dimedio marce molendini ejusdem facere me et heredes meos masculos nullum juris titulum habere ad predictas terras cum dimedio marce molendini ejusdem set ab eisdem simus exclusi. In cujus rei testimonium parti hujus carte indentate mecum et heredibus meis aut assignatis pro perpetuo remansure sigillum honorabili viri Willelmi Newman et unius ballivorum burgi de Dundee per dictum Jacobum procuratum, coram providis et discretis viris Magistro Henrico Barr, rectore de Culace, Georgio Spalding, Alexandro Ogilvy, Johannes Scrymgeour, Duncano Jak, Roberto Duguid, et Roberto Barr, aliisque diversis, et parti remansure pro perpetuo cum

prefato Jacobo et heredibus suis masculis sigillum meum est appensum, una cum sigillo predicti ballivi per me procurato, ad majorem hujus carte evidenciam, coram hiis testibus, videlicet, David Scrymgeour de Ferdil, Domino Georgio Guthre, presbytero, et Domino David Logy, presbytero ac notario publico, aliisque diversis, apud Dundee undecima die mensis Julii anno Domini millesimo quadringentesimo octuagesimo.

(*Abstract.*)

JAMES SCRYMGEOUR, Constable of Dundee, makes known that he has sold and confirmed to his beloved kinsman, James Scrymgeour, son of the deceased Mr. Hercules Scrymgeour, his lands of Laichgory, extending in yearly value to forty shillings, with one-half merk for the mill thereof, and that in return for a certain sum of money advanced to him in his necessity, to be held by the said James and the heirs-male of his body, whom failing, to return to the granter and his heirs, of the granter and his heirs for the usual services with ward and relief, the grant being duly warranted, and its being also provided that the granter and his heirs, successors, and assignees shall be entitled to redeem the subjects by payment of forty pounds usual money of Scotland.

XXXVIII. PRECEPT for infefting Mr. John Scringeour and his spouse in the lands and barony of Glastre; dated at Dundee, December 12, 1490.

Jacobus Scringeour, Constabularius de Dundee, dilectis meis Selestino Cambell, Domino de ly Ottyr, Johanni M'Lauchlane de Stralauchlane, Donaldo M'Lauchlane fratri dicti Johannis, Eour Cambell de Straquhour Nygello Cambell de Aucchytorane Allano M'Cause et Duncano M'Cause conjunctim et divisim ballivis meis irrevocabilibus in hac parte specialiter constitutis, salutem. Quia dedi et concessi¹ hereditarie carissimo fratri meo Magistro

¹ By charter dated December 14, 1490, and confirmed July 12, 1491 (*Reg. Mag. Sig.*), James Scrymgeour, Constable of Dundee, disposed to his brother, Mr. John Scrymgeour and Janet Ogilvy his wife, and a long series of heirs, apparently under reservation of his own liferent, the barony of Glassarie with the patronage of the church of Killenuair. Mr. John Scrymgeour of Glassarie is said to have been killed at Flodden. In 1546 his eldest son succeeded his cousin as Constable of Dundee, and the estates were reunited. It has been thought unnecessary to print either the charter on which this precept followed or the Crown Charter of Confirmation, in which its terms are set out as the latter is already in print (*Reg. Mag. Sig.*, July 12, 1493).

Johanni Scrimgeour et Jonete Ogilby ejus sponse eorumque diucius viventi et heredibus masculis inter ipsos legitime procreandis omnes et singulas terras meas baronie de Glastre jacentes in vicecomitatu Argadie cum tenendis et tenendriis ac tenentium serviciis et cum connexis et annexis earundem und cum jure patronatus presentatione et advocacione ecclesie de Kelynewir infra dictam baroniam cum suis pertinentiis pro ut in carta mea desuper confecta latius continetur. Vobis igitur conjunctim et divisim precipio et mando quatenus visis presentibus saisinam et possessionem hereditariam omnium et singularum dictarum terrarum de Glastre cum tenendis et tenendriis tenenciumque serviciis ac cum connexis et annexis ejusdem cum suis pertinenciis una cum jure patronatus presentatione et collatione ecclesie de Kelynewir predictae predicto Magistro Johanni Scrimgeour et Jonete Ogilby ejus sponse eorumque diutius viventi aut eorum certis actor-natis aut procuratoribus secundum tenorem et formam dicte carte juste et sine dilatione tradatis aut alter vestrum tradat, ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim meam plenariam et irrevocabilem tenore presencium committo potestatem. Et in singulum sasine date per vos aut unum vestrum sigillum dantis sasina presentibus in secunda cauda post meum appendatur.¹ In cujus rei testimonium sigillum meum presentibus est appensum, apud Dundee duodecimo die mensis Decembris anno Domini millesimo quadringentesimo nonogesimo, coram hiis testibus, Johanne Ogilby de Bandoutht, David Ogilby de eodem, Roberto Arbuthnat de eodem, Johanne Ogilby, filio et apparente herede dicti David, Valtero Rollok, burgense de Dundee, Domino Jacobo Lindissay, capellano, Johanne Lindissay, et Jacobo Scrimgeour, notario publico, cum multis aliis.

(*Abstract.*)

PRECEPT by James Scrimgeour, Constable of Dundee, to the persons named as bailies, narrating that he has given and granted to his dearest

¹ This clause is of interest as showing an ingenious and uncommon method of proving infeftment without the intervention of a notary.

brother, Mr. John Scrimgeour, and Jonet Ogilby, his spouse, and the longer liver of them two, and to the heirs-male lawfully to be gotten betwixt them, all and whole his lands and barony of Glastre, in the sheriffdom of Argyll, with the patronage of the church of Kelynewir, and accordingly commanding the said baillies to give sasine therein to the said Mr. John, and Jonet, his spouse, and directing that in token of sasine having been given the seal of the person giving it shall be affixed to these presents on the second tag after the granter's own seal.

XXXIX. PROCURATORY BY JONET OGILVY, wife of Mr. John Scrimgeour, for taking conjunct infeftment in the lands of Glaster ; dated January 20, 1491-92.

Universis pateat per presentes me Jonetam Ogilvy sponsam honorabilis viri Magistri Johannis Scrimgeour fratris germani Constabularii de Dundee fecisse constituisse et ordinasse neonon tenore presentium facere constituere et ordinare dilectos meos Dominum Jacobum Lindissay, capellanum, Duncanum Makavhis, Alanum Makavhis, et Ewyne Makmurchē, et eorum quemlibet insolidum conjunctim et divisim meos veros legitimos et indubitatos procuratores actores factores negotiorumque meorum gestores ac nuntios speciales et generales, dando et concedendo dictis meis procuratoribus et eorum alteri conjunctim et divisim meam veram legitimam et omnimodam potestatem ac mandatum speciale pro me et nomine meo ad capiendum¹ saysinam possessionem et statum hereditarium per modum conjuncte infeodationis omnium et singularum de Glaster terrarum cum pertinentiis jacentium infra vicecomitatum Argadie dandum michi et dicto meo sponso secundum formam et tenorem carte desuper nobis confecte et de cujusquidem saysine dacione instrumenta et quecumque documenta alia desuper necessaria nomine meo petendum postulandum et levandum, et generaliter omnia alia et singula faciendum procurandum et exercendum que in premissis et circa ea necessaria fuerint seu etiam oportuna aut que egomet facerem seu facere possem si in premissis personaliter interessem ac si talia sint que

¹ Formal writs appointing attorneys to receive sasine are so uncommon that it has been thought right to print this as a specimen ; cf. also No. XLIV.

mandatum exigant magis speciale quam presentibus est expressum ratum gratum habens et habiturus totum id et qui quidem dicti mei procuratores aut eorum alter conjunctim et divisim nomine meo rite duxerint seu duxerit faciendum in premissis sub ypotheca et obligatione omnium bonorum meorum presentium et futurorum. In cujus rei testimonium quia sigillum proprium ad presens non habui sigillum providi viri Jacobi Scrimgeour burgensis de Dundee cum instantia appendi huic procuratorio meo procuravi, apud Dundee vicesimo die mensis Januarii anno Domini millesimo cccc^o nonogesimo primo, coram hiis testibus, Alexandro Scot, Jacobo Carncors, Jacobo Ramsay, et Domino Jacobo Lindissay, capellano, cum diversis aliis.

(*Abstract.*)

JONET OGILVY, spouse of an honourable man, Mr. John Scrymgeour, makes known by these presents that she has made and constituted the persons named to be her procurators and doers, with all powers necessary for receiving sasine for her of the lands and barony of Glastre, engaging to ratify whatsoever they shall do in that behalf.

XL. LETTERS OF REVERSION BY COLIN, EARL OF ERGILE,
in favour of Mr. John Scrimgeour of Glasere of the
lands of Achailleley and others in Glassre; dated
May 14, 1492.

Be it kende till al men be thire present letters us Coline Erle of Ergile, Lord Campbell and Lorne, Chancellar of Scotland, to be bundin ande oblist be the faith ande treuth in oure body and be thir oure letters bindis ande oblistis us oure aeris ande assignais lelelie ande treulie to oure trast cousing Maister Johne Scrimgeour of Glasere his aeris ande assignais, that nochtwithstandin the saide Maister Johne has infest us heretabillie in al ande sindri his landis of Achailleley Foerlanelochy Knokmady ande Dowir-noundoun with thare pertinans liand within the schiref-dome of Ergile and in the barony of Glassre, like as mare fullely is contenit in the chartir ande seising gevin to us thareuppone, nevertheless alsone ande quhen the said Master Johne his aeris or assignais pays to us oure aeris or

assignais apone a day betuix the uprising of the sone ande the doune passing of the samyn in the perische kirk of Striveling upone the hie altar of that ilke the some of twa hundreth merkis golde and silver haffand course of pament usualie within the kinrik of Scotlande for the tyme, than incontinent we the saide Erle oure aeris ande assignais sall frelie upgif resigne ande restore agane to the said Master Johne his aeris and his assignais all ande sindri the saide landis with thare pertinens, togidder with the charteris seisingis confirmacionis writtis and evidentis maid to us thareupone, sa that we the saide Erle oure aeris and assignais eftir the pament of the said some be uterlie excludit tharefra ande fra al title of richt propirte or possessione that we oure aeris or assignais has or may haf in or to the saide landis, ande thai to remane to the use and proffite of the said Master Johne in sic wise that he may lift sett ande raise the samyn to his plesance ande mast eise and proffite without ony obstacule quetione demand stop let or hendering to be maid to him his aeris or assignais be us our aeris or assignais or ony that we may let or in oure naim in the samin landis with thare pertinens, sa that we the saide Erle oure aeris or assignais be warnit thareto be the said Master Johne his aeris or his assignais personalie or at oure castell of Campbell¹ upone fourti dais precedand the res[sait] of the said some, ande gif it sal happin us oure aeris or assignais fraudfullie til absent us fra the resait of the saide some of twa hundreth merkis ande ouregiffin of the saide landis with thare pertinens as said is, we beande warnit in maner forsaid, we binde ande oblissis us oure aeris ande assignais to the said Master Johne his aeris ande assignais sa that he ande thai sal haf ful fre regress and ingress to the saide landis with thare pertinens ay ande quhil we oure aeris or assignais cum mekle to the resat of the saide soume, it being put in pose and keping in the handis of the kepare of the commone purse of the toune of Striveling to the utilite and proffite of us oure aeris ande assignais, to be deliverit to us quhen we cum to

¹ *Vide ante*, p. 98, note 2.

ressave it. In witness of the quhilk thing oure sele to thir oure present letters is to hungin, at Edinburgh the xiiij day of the moneth of May the yere of God j^m iiiij^e nynti ande twa yeris, before thir witness, Adam Creichtone of Kippindavy, Johnne of Sterviling of Cragbarnard, Williame Somerwele of the Plane, Archibald Uchiltre,¹ ande Williame Campbell, masare, with uther diverse.

XLI. PROCURATORY BY JAMES SCRIMGEOUR, Constable of Dundee, for redemption of the lands of Lauchgory; dated October 25, 1492.

Be it kend till all men be thir present letteris me James Scrimgeour, Constabul of Dundee, till haf maid constitut and ordanit Master Johne Scrimgeour my brodir germane my vera lawchtful and ondoutit assingnay gevand and grantand till my said assingnay my vera lawchtful power exspres bidding and special command for me and in my name and on my behalf till pass till James Scrymgeour the sone of unquhill Master Hereules Scrimgeour and thare till pay till the said James Scrimgeour the soume of fowrty pundis of the usuall mony of Scotland for the redemptioun of the landis of Lauchgory with the half merk of the myl of the sammyn lyand within the baronry of Glastre and in the schirefdome of Argyll, or till his ayris maill, the quhilk landis of Lauchgory with the half merkis of the mill of the sammyn the said James and his ayris maill has of me in vedset for the said soume of fourty pundis, lik as at mar lynth is contenit in the endentit charteris maid betwix me and the said James and his ayris maill therapone;² in the said mater protestacionis till mak, instrumentis and documentis till ask lyft and rase, and generally all and sindri thingis till do oyse and exerse that till the office of ane assingnay till sic thingis constitut pertenis or that may pertene of law or that I mycht do and I war personally present; ferme and stabul haldand and for till hald all and quhatsumever thingis my said assingnay in

¹ He appears as witness to various writs with which Argyll is concerned, and probably was in his employment.

² *Vide ante*, No. XXXVII.

the said mater in myne name ledis till be done, onder the oblying of all my gudis present and for till cum. In vitness of the quhilk thing I haf appensit my seil till thir my letteris at Dundee the fyve and twenty of October in the yher of God a thousand four hundreth nynty and twa yheris befor thir vitness, James Scrymgeour, burgess of Dundee, Nichol Scrymgeour of Lillok, Johne Scrymgeour, Colyn Davidstone, James Scrymgeour, and Schir James Lindissay, chaplane, with oderis diverse.

XLII. INSTRUMENT of Collation of Thomas Fyf to the Rectory of Glastre, July 2, 1495.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno incarnationis dominicæ millesimo quadringentesimo nonagesimo quinto mensis vero Julii die secundo indictione xiii. pontificatusque sanctissimi in Christo patris et domini nostri Domini Alexandri divina providentia pape sexti anno tercio in meique notarii publici et testium subscriptorum presentia personaliter constitutus providus vir Dominus Jacobus Lyndesay Capellanus procurator et procuratorio nomine discreti viri domini Thome fif presbyteri presentavit quandam presentationem nobilis viri Jacobi Scrymgeour constabularii de Dundee dominique liberi tenementi baronie de Glastre cum pertinentiis una cum consensu et assensu magistri Johannis Scrymgeour domini feodi dictæ baronie de Glastre eorum sigillis sigillatam super rectoria ecclesie de Glastre antedictæ, Reverendo in Christo patri Roberto¹ dei et apostolicæ sedis gratia episcopo Ergadiensi presentantem dictum dominum Thomam fyf ad dictam rectoriam sive prebendam.² Ipse

¹ Robert Colquhoun, brother of the Laird of Luss.

² The Rectory of Glassarie was a prebend of the Cathedral Church of Argyll. As this was situated on the island of Lismore the bishop was often known as Episcopus Lismorensis. One of the divisions of the diocese was known as the Deanery of Glassarie. Glassarie seems to have been treated as a family living. Among others who held it, sometimes with other preferment, were, in 1423, James Scrymgeour, afterwards the ambassador from Charles VII. to Martin V.; in 1431 Robert Scrymgeour; in 1438 Hercules Scrymgeour; in 1454 Alexander Scrymgeour; in 1500 James Scrymgeour; and Henry Scrymgeour who died in 1572.

item reverendus pater antedictus dicto domino Jacobo Lyndesay procuratori dicti domini Thome nomine et ex parte ejusdem per anuli¹ sui traditionem in dicta rectoria sive prebenda collocianavit et investivit Super quibus omnibus et singulis ipse dominus Jacobus procurator antedictus nomine et ex parte dicti domini Thome a me notario publico sibi fieri petiit unum vel plura publicum publica instrumentum vel instrumenta. Acta erant haec in civitate glasguensi hora viii ante meridiem vel eo circa sub anno mense die indictione et pontificatu quibus supra. Presentibus testibus ibidem Magistro Jacobo [*sic*] Scrymgeour domino feodi baronie de Glastre antedicto domino Johanne rectore de Knodord² in Moravia Jacobo Achynros Johanne Buc et Waltero Patonson cum multis aliis ad premissa vocatis specialiter et rogatis.

Et ego Johannes fynlosonne presbyter sancti Andree diocesis publicus auctoritatibus imperiali et regali notarius premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent unacum prenomminatis testibus presens interfui eaque omnia et singula sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum manu mea scriptum confeci signoque ac nomine meis solitis et consuetis signavi rogatus et requisitus et fidem et testimonium omnium et singulorum premissorum.

(Abstract.)

It is made known to all that on July 2, 1495, thirteenth indiction and third year of the pontificate of Alexander VI., in the presence of John Fynlosone, Presbyter of the Diocese of St. Andrews, notary, and the witnesses underwritten, personally appeared James Lyndesay, Chaplain, as procurator of Thomas Fyf, Presbyter, and tendered to the Reverend Father in Christ Robert, Bishop of Argyll, a presentation to the rectory of Glastre, made by James Scrymgeour, liferenter of the barony of

¹ 'The ordinary parish priest was commonly *invested* by the bishop of the diocese in the spiritual charge of his parish by placing the bishop's ring on his finger, while he was afterwards *inducted* into corporal possession of the Church by the Dean of Christianity, on a mandate from the bishop' (*The Medieval Church in Scotland*, by Bishop Dowden, p. 43, footnote). Cf. *post*, p. 202.

² Kinnedar.

Glastre, with consent of Mr. John Scrymgeour, fiar of the same, in favour of the said Thomas Fyf. And the said Bishop, by delivery of a ring to the said James Lyndesay, as procurator, collated the said Thomas and invested him in the said rectory or prebend. Whereupon the said procurator craved from the notary an instrument or instruments. These things were done in the city of Glasgow at eight o'clock before noon or thereby, year month, day, indiction and pontificate aforesaid.

XLIII. INDENTURE in the form of an instrument between
MR. JOHN SCRIMGEOUR OF GLASTRE and **DUNCAN**
MAKCAUS, dated January 4, 1498-9.¹

In dei nomine Amen. Per hoc presens publicum Instrumentum ad modum Indenture confectum cunctis pateat evidenter et sit notum quod anno Incarnationis dominicæ millesimo quadringentesimo nonagesimo octavo mensis vero Januarii die quarto Indictione secunda Pontificatus sanctissimi in Christo patris et domini nostri domini Alexandri divina providentia papæ sexti anno septimo. In mei notarii publici et testium subscriptorum presentia personaliter constituti honorabilis et providus vir Johannes Scrymgeour de Glastre ab una et Duncanus Makcaus² partibus ab altera habentes in manibus suis quandam cedula[m] papiream formam cujusdam contractus appunctuamenti seu compromissi in se continentem quam michi notario publico subscripto tradiderunt perlegendam. Cujus tenor sequitur de verbo in verbum et est talis. The xxiii day of Januare in ye zer ofe God ane thowsand four hundretht nynty and aucht zeris it is apontit and acordit betuix honourable men master Johnn Scrymgeour of Glaster on ye taa pte and Duncane Makcaus on ye toy^r part on yis wis as folowis. The said master Johnn sal gif to ye said Duncane five merkis wortht of land ofe Cray and Stronalbenacht for twa merkis and ane halte mk. of maile and

¹ It is obvious that the date of the agreement must be earlier than that of the instrument. Probably *vicessimo* has been left out by mistake.

² Makcaus seems to be the same as Maktaus—probably means the son of Thomas. The name is not common, but it seems to have been a family name and not a mere patronymic. There was a Campbell sept known as clan Tavish, *vide ante*, p. 82).

sal mak him ane letter of tak ofe lifrent yairupon in sic lik forme as ye letter maid tile him be his broder¹ of lifrent of ye landis ofe Innerhay. And ye said Duncane sal gife me oure ye said landis ofe Innerhay w^t ye lett^r of tak maid tile him be my brodr^r quhen I gife him ye lett^r ofe tak ofe five mkis wortht ofe Crary w^t ye Strone w^t al cleme and Rychtis y^t he has or may have in or to ye saidis landis. And at he sal gife me his helpe and cunsele to ye settin of ye said landis of Innerhay to my maiste wtilite and profeit lik as it wer til him selfe. And ye said Duncane sal gife me his leile trew afald² cunsele in al materis y^t I have a do in y^t countre and sal cum to me quhen I send for him quhen I cum in y^t cuntre to gife me his cunsele and do me s^rvice for ye tim as said is. And gife I desire to bige ane hous and ane zard wpon ye haitht wnd^r ye crage and to duele yairintile it sal be leissum to me but Impediment of him and he sal gar hane³ ye woid. Quo contractu appunctuamento seu compromisso in presentia parcium perfecto dictæ partes hujus modi appunctuamentum sive compromissum in omnibus suis punctis et articulis approbarunt ratificarunt et absque contradictione per extensionem manuum suarum dextrarum fide media magno juramento mediante me stipulante omnia in supra-scripto appunctuamento sive compromisso contenta ambæ partes unaquæque alteri firmiter et fideliter omni fraude et dolo seclusis perimplere et observare promiserunt et stricte obligarunt. De quibus omnibus et singulis predicti Johannes et Duncanus a me notario publico subscripto sibi fieri petierunt unum et plura instrumentum seu instrumenta. Acta erant hec apud Dudupe hora quasi undecima ante meridiem vel eocirca sub anno mense die indictione et pontificatu quibus supra, presentibus pro tunc honorabilibus et providis viris Jacobo

¹ Presumably Sir James Scrymgeour, the Constable from whom Mr. John had acquired Glassarie in 1490.

² *I.e.* honest; afald or aefold, one fold; contrast with *simplex*, without fold; true and afald counsall are almost words of style (see *Scots Acts*, 12mo, Edin., 1489, c. 12).

³ To *hane* is to enclose or hedge; the obligation seems to be to fence the wood.

Scrimgeour constabulario de Dundee milite Johanne Grame de Ballargous¹ Johanne Sincler de Finglerge Johanne Scrimgeor^r die Robertson Thoma Mortimer de Flemyn-toun et Georgio Scrimgeor^r cum diversis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Barnardus Merschale presbyter Sancti Andree diocesis publicus apostolica et regali auctoritatibus notarius quia premissis omnibus et singulis dum sic ut premittitur agerentur dicerentur et fierent unacum pre-nominatis testibus presens interfui eaque omnia ante-dicta et singula sic fieri scivi vidi et audivi ac in notam cepi ideoque hanc partem publici instrumenti in-dentati cum dicto magistro Johanne permansuram manu mea propria supra et subtus scripsi signoque nomine et subscriptione meis solitis et consuetis signavi in fidem et testimonium omnium et singulorum premissorum rogatus et requisitus.

(*Abstract*)

It is made known to all that on 4th January 1498, second indiction, and seventh year of the Pontificate of Alexander VI., in the presence of Barnard Merschale, Presbyter of the Diocese of St. Andrews, notary, appeared personally John Scrimgeour of Glastre and Duncan MakCaus, and tendered a certain agreement written on paper, in the vernacular, of which the tenor is there set forth. Whereupon the said John and Duncan sought instruments. These things were done at Dudhope the eleventh hour before noon or thereabouts, year, month, day, indiction, and pontificate aforesaid.

XLIV. PROCURATORY BY JAMES SCRYMGEOUR, clerk of the diocese of Brechin, for institution in the Rectory or Prebend of Killenewir; dated February 8, 1499-1500.

In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno Incarnationis Dominice millesimo quadringentesimo nonagesimo nono indictione tertia pontificatus sanctissimi in Christo patris et domini nostri domini Alexandri divina providentia

¹ Ancestor of the Grahames of Claverhouse. He was the son of Robert Grahame of Strathcarron and Fintry, by Matilda Scrymgeour, sister of Sir James Scrymgeour, the Constable, and of Mr. John Scrymgeour of Glassarie.

Pape Sexti anno octavo mensis Februarii die octava, in mei notarii publici et testium subscriptorum presencia personaliter constitutus Jacobus Scrymgeour¹ clericus Brechinensis diocesis omnibus melioribus via modo jure et causa quibus melius potuit fecit constituit creavit et solempniter ordinavit discretos et circumspectos viros, videlicet, Dominum Robertum Scrymgeour, vicarium de Kelynevir, Quhyt, capellanum, Andream Spalding, Dominum Johannem Makkavich, Duncanum Gorm, et Owin M^cMurquhe conjunctim et divisim suos veros legitimos et indubitatos procuratores actores factores negociorumque suorum gestores ac nuncios speciales, dando et concedendo dictis suis procuratoribus et eorum alteri in solidum conjunctim et divisim suam plenariam et omnimodam potestatem ac mandatum speciale et expressum pro se et nomine suo ad requirendum discretum virum Robertum Scrimgeour, vicarium de Glasre sive Kelinevir² predictum aut quemcumque alium capellanum curatum vel non curatum infra diocisen Ergadiensem divina celebrantem ad conferendum institutionem realem actualem et corporalem possessionem ipsis aut eorum alteri nomine meo rectorie,³ sive prebende

¹ This seems to be the same James Scrymgeour, 'person de Glaistre,' who was much mixed up in the affairs of Archbishop Beton and his nephew the Cardinal (*The Archbishops of St. Andrews*, vol. iv. pp. 10 and 11, and references there given). Under the curious misnomer of Istringi he appears in English State Papers of the time.

² The Duke of Argyll has kindly supplied this interesting note: 'S. Columba's church of Glasrid or Glasred (Glassary) was the original mother church of this Lordship, and, though roofless now, bears marks of a high antiquity, especially at the eastern end. The Nave bears marks of being an addition. The fine Font is still at the west end of this church, which is called Killenuair or Killineuir, close to Ford on Lochaw. The name means Church of the Yews, none of which trees now, however, survive.'

'There can be little doubt but that it is one of the Patron Saint's personal foundations.'

'The church at a later date sank in importance as Kilmichael in Glassary gradually rose to prominence, due perhaps to some early shifting of the population, or perhaps to the gradual destruction of Fionchorn Castle close to Killineuir on the shores of Lochaw.'—A.

³ The Rectory of Glassarie was one of the prebends of the cathedral church of Argyll (cf. *ante*, p. 194, note 2).

de Kelinevir juxta formam collationis¹ reverendi patris David² miseratione divina Episcopi Ergadiensis dicto Jacobo super dicta rectoria sive prebenda prewise concessa sive donate, ac etiam eosdem requirendo quatenus sibi de stallo in choro et loco in capitulo juridice providerent, et omnia alia et singula faciendo gerendo et exercendo que in premissis et circa ea necessaria fuerint seu eciam quomodolibet oportuna ac quod egomet³ facerem seu facere possim si presens personaliter in premissis interesssem. Promisit insuper se ratum et gratum firmum atque stabile totum et quicquid dicti sui procuratores aut eorum alter suo nomine in premissis conjunctim et divisim rite duxerit seu duxerint faciendum per extencionem sue manus dextre in manu mei tanquam publice persone.⁴ Super quibus omnibus et singulis dictus Jacobus a me notario subscripto sibi fieri petiit unum vel plura publicum vel publica instrumentum vel instrumenta. Acta erant hec in ecclesia parochiali de Stirling hora quasi secunda post meridiem vel eo circa sub anno die mense indictione et pontificatu quibus supra, presentibus ibidem providis viris Jacobo Matland, Vilelmo Matland, Georgio Scrimgeour, et Magistro Johanne Scrimgeour de Glasre, cum diversis aliis, testibus ad premissa vocatis pariter et rogatis.

Et ego Jacobus Scrimgeour clericus Brechinensis diocesis publicus auctoritatibus imperiali regalique notarius qui premissis omnibus et singulis dum sic ut premittitur factis dicerentur agerentur et fierent una cum prenominatis testibus presens interfui eaque omnia et singula sic fieri vidi scivi audivi ac in notam

¹ The object of this writ is to appoint procurators to obtain institution in the benefice in terms of the bishop's collation. It is thus analogous to No. XXXIX., the writ by which Jonet Ogilvy appointed procurators to receive sasine on her behalf in the lands of Glassarie. A specimen deed of collation is given as No. XLV., and a statement of what happened at the ceremony appears in No. XLII. an instrument of collation.

² David Hamilton, Bishop of Argyll, a natural son of James, first Lord Hamilton.

³ The confusion of the first and third persons, it will be observed, is not confined to the modern English letter-writer.

⁴ This ancient symbolical act is worth noting.

cepi ideoque hoc presens publicum instrumentum manu mea propria scriptum exinde fieri confeci singnoque nomine et subscriptione meis solitis et consuetis singnavi, rogatus et requisitus, in fidem et testimonium veritatis omnium et singulorum premissorum.

(*Abstract.*)

By this public instrument let all know that on February 8, 1499, in presence of the notary and witnesses underwritten, James Scrymgeour, clerk of the Diocese of Brechin, appointed the persons named to be his procurators and doers with full powers in his behalf and in his name to require Robert Scrimgeour, vicar of Glasre or Kelinevir, or any other chaplain, with or without cure celebrating the divine mysteries within the diocese of Argyll, to give him institution, real, actual, and corporeal possession of the rectory or prebend of Kelinevir, according to the collation of the Reverend Father David, Bishop of Argyll, and provide him with a stall in the choir and his due place in the chapter, promising to ratify all things done by them on that behalf by placing his right hand in the left hand of the notary as a public person. All these things were done in the parish church of Stirling, about 2 o'clock after noon or thereby, year, day, month, etc., as above.

XLV. COLLATION BY JOHN HAMMILTONE, subchantor of Glasgow, as vicar-general of the Bishop of Argyll, to Mr. George Scott as vicar of Killenewir; dated July 17, 1559.

Joannes Hammiltone ecclesie metropolitane Glasguensis succentor ac reverendi in Christo patris et domini Jacobi¹ Dei et apostolice sedis gratia Episcopi Lismorensis in remotis agentis vicarius generalis specialiter constitutus, dilecto nobis in Christo Magistro Georgio Scott, vicario perpetuo ecclesie parochialis de Killenewir Lismorensis diocesis, salutem in Domino sempiternam. Vite ac morum honestas aliaque laudabilia probitatis et virtutum merita quibus apud nos fidedigno commendaris testimonio nos inducunt ut tibi ad gratiam reddamur liberales. Cum

¹ James Hamilton, natural son of James, first Earl of Arran, Sub-dean of Glasgow and Bishop of Argyll. In 1547 he was designated by the Queen for the See of Glasgow, but the appointment was never made. At the Reformat'on he became a Protestant and married with issue. He retained the bishopric of Argyll and sub-deanery of Glasgow till his death on January 6, 1579-80.

itaque dicta vicaria perpetua de Killenewir quam quondam dilectus etiam noster Magister Jacobus Scrymgeour illius ultimus vicarius et possessor obtinebat per obitum ipsius vacare noscatur et vacet ad presens nos igitur premissorum meritorum tuorum intuitu tibi gratiam specialem facere volentes vicariam perpetuam de Killenewir predictam sic ut premittitur vacantem ad presentationem honorabilis viri Joannis Scrymgeour de Dudop et domini de Glastry nostramque collationem ordinariam pretetxu nostri officii vicariatus generalis Lismorensis speciamen tibi Magistro Georgio Scott tanquam sufficienti et ydoneo presentique et acceptanti ac ad prefatam vicariam perpetuam de Killenewir sic ut premittitur vacantem per prefatum Joannem Scrymgeour, Constabularium de Dundee, ac Dominum de Glastry, patronum dicte vicarie dum vacare contigerit sub ejus sigillo suo proprio ac sua subscriptione manuali de data apud Dundee undecimo die mensis Maij anno Domini millesimo quingentesimo quinquagesimo nono nobis presentato eum plenitudine juris canonici ac omnibus juribus et pertinentiis suis auctoritate nostra ordinaria prefata qua in hac parte fungimur conferimus et assignamus et de eadem tibi providemus, teque coram nobis personaliter constitutum in corporalem possessionem seu quasi dicte vicarie perpetue de Killenewir juriumque et pertinentiarum omnium ejusdem per annuli nostri digito tuo impositionem¹ investimus de eadem curam regimen et administracionem ejusdem tibi plenarie committendo. Quocirca curato dicte ecclesie de Killenewir omnibus et singulis aliis personis ecclesiasticis curatis et non curatis notariisque et tabellionibus publicis quibuscumque per civitatem et diocesim Lismorensis ac alias ubilibet constitutis, precipimus et mandamus quatenus accedatis seu alter vestrum accedat ad prefatam ecclesiam parochialem de Killenewir, et ibidem dictum Magistrum Georgium Scott vel procuratorem suum legitimum ejus nomine in corporalem realem et actuaalem possessionem dicte vicarie perpetue de Killenewir juriumque et pertinen-

¹ *Vide ante*, p. 195, note 2.

tiarum omnium ejusdem inducatis instituatis et defendatis inductum, seu alter vestrum inducat instituat et defendat inductum, amoto exinde quolibet illicito detentore sibi que vel procuratoribus suis legitimis pluribus aut uni de universis et singulis fructibus redditibus proventibus juribus et emolumentis dicte vicarie plenarie et integre responderi faciatis, contradictores vero et rebelles si qui forsitan fuerint per censuram ecclesiasticam auctoritate nostra arctius compescendo. In quorum omnium et singulorum fidem et testimonium premissorum has presentes literas sive hoc presens publicum instrumentum collationem et provisionem nostras hujusmodi in se continentes sive continens exinde fieri fecimus et per notarium publicum subscriptum nostrum scribam et tabellionem subscribi et publicari mandavimus sigillique officii nostri vicariatus generalis Lismorensis jussimus et fecimus appensione comamuniri, datum et actum infra hospitium nostrum infra civitatem Glasguensem die decimo septimo mensis Julii anno Domini millesimo quingentesimo quinquagesimo nono, coram his testibus, Magistro Alexandro Dowglass, Georgio Harbertsone, cive Glasguense, Petro Croche, et Willelmo Gilkersone, laico, testibus ad premissa vocatis et rogatis.

Et ego Thomas Knox clericus Glasguensis civitatis publicus sacra auctoritate apostolica notarius, quia prescripte vicarie perepetue de Killenewir collationi provisioni et investiture ceterisque premissis omnibus et singulis dum sic ut premittitur dicerentur et fierent unacum prenomminatis testibus presens personaliter interfui, eaque omnia et singula sic fieri vidi scivi et audivi ac in notam cepi, ex qua hoc presens publicum instrumentum manu mea propria scriptum exinde confeci subscripsi et publicavi signoque et nomine meis solitis et conusetis signavi, rogatus et requisitus, in fidem et testimonium veritatis omnium et singulorum premissorum : Thomas Knox, notarius publicus.

(*Abstract.*)

John Hamilton, subchanter of Glasgow Cathedral and Vicar-General of James, Bishop of Argyll, at present in distant parts, after greeting

his beloved in Christ, Master George Scott, perpetual vicar of Killenewir, and after referring to his merits and to the fact that the said perpetual vicarage had become vacant through the death of Master James Scrymgeour, and that the said Master George had obtained a presentation thereto from John Scrymgeour of Dudop and lord of Glastry, the patron thereof, under his seal and subscription, dated at Dundee, May 11, 1559, and narrating how by virtue of his authority as Vicar-General he had invested the said Master George in the benefice by placing a ring on his finger, the said Vicar-General authorised and enjoined the clerk in charge of the said church of Killenewir and all other ecclesiastical persons whether with or without curé and notaries and scriveners whomsoever, within the city and diocese of Argyll or elsewhere, to approach the said parish church of Killenewir and there induct the said Master George into the said perpetual vicarage and all the rights and privileges thereto pertaining, and thereafter protect him in the same, employing if need be for that end all necessary ecclesiastical censures, and in witness thereof directed the seal of the office of Vicar-General of Argyll to be affixed to these presents, dated at the granter's lodging within the City of Glasgow, July 17, 1559, before the witnesses named.

(The usual notarial docquet follows.)

XLVI. RETOUR OF JOHN SCRYMGEOUR as heir to his father
 John Scrymgeour of Dudhope, Constable of Dundee,
 in certain lands in the lordship and barony of Glasre;
 dated July 21, 1563.

Hec inquisitio capta fuit apud Innerara coram honorabili viro Dowgallo Campbell apparente de Auchnybrek, vicecomite deputato Argadie, vigesimo primo die mensis Julii in anno Domini millesimo quingentesimo sexagesimo tertio, per hos probos subscriptos,¹ viz., Colinum Campbell de Ottar, Magistrum Archibaldum Campbell de Dannay, Donaldum Campbell, filium Archibaldi Campbell de Auchnybrek, Donaldum Makallen Veklachlan de Downad, Dowgallum Makeuir de Lag, Dowgallum Campbell de Soryba, Patricium Makcause de Tonardary,² Alexandrum Makeuir de Pennymoir, Johannem Makillespik Vekherlych de Barmollych, Alexandrum Makillespik Vekherlych, Angusium Leiche de Barquhule, Jacobum Scrymgeour de

¹ The names of the assize are worth noting as showing the use of patronymics.

² Dunardry.

Hennestoun,¹ Alexandrum Scrymgeour, burgensem de Dundee, Davidem Moncur apparentem de Balowny, et Jacobum Scrymgeour de Glaswad, qui jurati dicunt quod quondam Johannes Scrymgeour de Dudope, Constabularius de Dundee, pater Johannis Scrymgeour latoris presentium, obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem supreme Domine nostre Regine de omnibus et singulis terris domini et baronie de Glasre subscriptis,² viz. Superior Fyncharn, Glaswar, Sokkyth, Snowdane, Lettirnamol, Kenlochlane, Fernych, Lekgware, Kyrnanis, Rowdill inferior, Rowdill superior, Killebryde, Auchogarrane, Carnaym, Stroneskir, Barmollych, Achlike, Foyrling, Lochane, Stronnynalbynich, Auchovill, Innerha, Craray, Brakallych, cum messuagio seu manerio dicti domini nuncupato Inferior Fyncharn³ cum annexis connexis tenentibus tenandriis liberetenentium servitiis earundem, unacum advocatione donatione seu presentatione ac jure patronatus rectorie et vicarie ecclesie de Killenure cum suis singulis pertinentiis, jacentibus infra vicecomitatum de Ergile; et quod dictus Johannes est legitimus et propinquior heres ejusdem quondam Johannis patris sui de omnibus et singulis predictis terris domini et baronie cum messuagio seu manerio antedicto annexis connexis tenentibus tenandriis libere tenentium servitiis earundem unacum advocatione donatione seu presentatione ac jure patronatus rectorie et vicarie ecclesie de Killenure predictae cum suis pertinentiis; et quod est legitime etatis; et quod predictae terre et baronia dicti domini de Glasre suprascripte cum messuagio seu manerio annexis connexis tenentibus tenandriis liberetenentium servitiis earundem unacum advocatione donatione seu presentatione ac jure patronatus rectorie et vicarie ecclesie prescripte cum pertinentiis valent nunc per annum sexaginta sex mercis monete Scotie⁴ et tempore pacis triginta

¹ Henderston, near Dundee.

² Some of these names appear in the charter of 1240.

³ This would seem to indicate that there was no castle or place of strength at this time on the lands (cf. *ante*, p. 149, note 1).

⁴ Cf. *ante*, p. 184.

tribus mercis monete ejusdem, et quod tenentur in capite de suprema nostra Regina per servicium warde et relevii, et quod hujusmodi terre et baronia cum messuagio manerio annexis connexis tenentibus tenandriis liberetenentium serviciis earundem et unacum advocatione et donatione ac jure patronatus dicte vicarie et rectorie ecclesie prescripte cum suis pertinentiis nunc sunt et fuerunt in manibus supreme Domine nostre Regine per spacium sex mensium quindecim dierum ultimo elapsum ratione nonintroitus ob defectum ipsius Johannis Scrymgeour moderni veri heredis jus suum hucusque minime persequentis. In quorum fidem et testimonium omnium et singulorum premissorum sigilla quorundam eorum qui dicte inquisitioni intererant unacum brevi Regine intus clauso sub sigillo dicti vicecomitis presentibus sunt appensa die mense et loco prescriptis.

Hec est vera copia principalis retornatus super premissis remanentis in Cancellaria S. D. N. Regine, copiata et collationata per me Willelmum Ogill, deputatum Directoris ejusdem, sub meis signo et subscriptione manualibus.

W. OGILL.

(*Abstract.*)

This inquest held at Innerara before Dugald Campbell, younger of Auchnybrek, sheriff-depute of Argyll, July 21, 1563, by the persons named, who say on oath that the deceased John Scrymgeour of Dudope, Constable of Dundee, father of John Scrymgeour the bearer of these presents, died last vest, and seized as of fee at the peace and faith of the Queen in all and singular the lands of the lordship and barony of Glasre underwritten,

(Here follow the names.)

with the message or manor place of the said lordship named Nether Fincharn, etc., with the patronage of the Rectory and Vicarage of the Church of Killeneure, lying within the sheriffdom of Argyll; and that the said John is lawful and nearest heir therein of the said deceased John his father, and that he is of lawful age, and that the lands and others aforesaid are now worth yearly 66 merks Scots and in time of peace were worth 33 merks, and that they are held of the Queen by ward and relief, and that they have been in the hands of the Queen for six months and fifteen days by reason of non-entry.—In witness whereof the seals of certain of the assize, along with the royal breive enclosed under the seal of the said sheriff, are appended to these presents, day, month, and place aforesaid.

XLVII. DECREET at the instance of CHARLES MAITLAND of Haltoun, Treasurer Depute, against ARCHIBALD M'LAUHLANE of that Ilk, and others, for rents and teinds; 27th February 1672.¹

At Edinburgh, 27th February 1672, In the action at the instance of Charles Maitland of Haltoun, Treasurer Depute, proprietor and superior of the lands after-mentioned, and titular of the teinds, against Archibald M'Lauchlane of that Ilk, heritor of the lands of Gartenoger, Drynlea, Galdanach, Auchnaselloch, Dunnamuke, and Dareloch, John M'Muyer, Neill Meristall, Duncan M'Vicar, and Anna M'breyne in Gartenagor, John M'Intyre and Duncan M'Inleister in Drynlea, Patrick M'Nicoll and Nicol M'Nicoll in Galdanach, Lachlan M'Lauchlane, Neill M'Lauchlane, Alexander M'Lauchlane, Neill Steinsone, and Allan M'Lauchlane, in Auchnaselloch, Neill M'Phune, Archibald M'Phunie, Alexander M'Laertike, Donald M'Alpen, Archibald Leitch, John Leitch, and Donald M'blaren in Dunnamuke, Augustine Lauchlane in

¹ On the death in 1668 of John Scrymgeour, Earl of Dundee and Viscount Dudhope, his whole estates were granted by Charles II. to Charles Maitland of Hatton, brother of the Duke of Lauderdale, on the assumption that these had fallen to the Crown as *ultimus haeres* (*vide ante*, p. 119). Considerable litigation followed on this grant, and the decret now printed is one of many that were pronounced.

A great part of the barony of Glassarie had been feued out to vassals whose feu-duties had apparently fallen into arrear, as had also the teind duties of 'the parish and kirk of Killmichell and Killneuar' to which the Earl of Dundee had right. Proceedings were accordingly taken by Charles Maitland against these vassals and also against the heritors whose teinds were unpaid, and in these proceedings this decret was obtained.

Besides showing the different estates which had been carved out of the original barony, it preserves the names of the various lands of which these were composed, and of their proprietors and tenants and occupiers in 1672. It also sets forth the feu-duties payable for these lands, and the teind duties due from subjects in the parish of Kilmichael and Killenuair.

The decret is full of obvious blunders, due no doubt in large measure to the inability of a lowland scribe to grapple with the spelling of Gaelic names. But the reader will find in the decret itself material which will enable him to correct many of these blunders if he so desire.

The narrative has been considerably abridged throughout, and the modern spelling of ordinary words and of Christian names has been adopted. Quotation marks indicate that the passage has been transcribed verbatim.

Dariloeh, Colin Campble in Inerhea, heritor of the lands of Inrhea, Crare and Garvachien, Duncan Walker, John M'ohenlane, Patrick M'Vicar, John M'Ilmolnaage, and Duncan Campble in Crare, Alexander M'Tavishe, Dougald M'Tavishe, Donald M'Tavishe, Archibald Campble and John M'Ilvean in Garvachie, Sir Duncan Campble of Auchinbreck, Archibald Campble of Glencaradell, trustee to the estate of Auchinbreck, James Campble, uncle to the Laird of Auchinbreck, Donald Campble in Kennichell, Colin Campble of Blarintibirt, Duncan Campble of Ardgadden, Master Patrick Campble, minister at Kilmalew, Alexander Campble, Keenananach in Giga, factors and intromittors therewith, containing the lands afterspecified within the bounds of Glastrie, viz. the lands of two Fincharnes and Kilneur, two Bravaliches, two Edderlings Monernirnach, Cnocke, Galdanach, Tunes, Carren, Kirk-toun Kilmichell and Ballmore Kilmichell, Angus Campble, Hew M'Callum, Alexander Campble, Duncan M'Indeor, John M'Indeor, John M'rihirich and John Leitch in Fincharne Over, Kennich M'Kellar, Hew M'Alpen, John Roy M'Keller, Patrick M'Keller, Angus M'Illmund and Duncan M'Lauchlane in Fincharne Nedder and Kilneuar, Archibald M'Arthur, Robert Broun, Patrick M'Arthur, Donald Campble, Gilbert M'Callum and Neill M'Callum in two Edderlings, Walter Graham, Gilbert M'Keoll and Gilbert M'Callum, Donald Baine Vicar, John Oconochar and Donald M'Herreis in two Bravaliches, Evar M'Evar, Duncan M'Knckaird, Alexander Grhame and Duncan Fledger in Monienirnach, Dougald M'Illelevin and John M'Inleister in Tunis, Donald M'Indeor, John Campble and Margaret M'Illworrie in two Carrenes, James Steinsone, John Palloche, Hew M'Illreave, Duncan M'Illvernoche, John Steinsone, elder, and John Steinsone, younger, in Kirk-toun Kirmichell, John Steinsone, Robert Speir, William Pulloche and Alexander Steinsone in Balle-mor Kirmichell, Patrick Campble of Kilmoir, heritor of the lands of Kilmoir and Uleyeiffe, Neill Campble, Duncan M'Phadden, Lachlan M'Phadden and John Pulloch in Uleyeiffe, Archibald M'Intyre in Caiganewar, Master

Dougald Campble of Barquhill, Gilbert, Hew and Donald M'Leriches and Duncan M'Neill, tenants thereof, Henry Leitch of Darienanereuch, Colin M'Lauchlane, wadsetter of Ardariat, Archibald M'Lauchlane of Craiginteriffe, heritor of the lands of Sherewaines, Fernoch and Auchahois, Duncan M'Blaren, John M'Dougald V'Alpen, Archibald Broun and Angus M'Innyeir in Over Sherewaine, Colin M'Lauchlane and John M'Lauchlane, Martin M'Alfein, John M'Alpen, Donald M'Blaren, John Leitch and Archibald Leitch in Nether Shiriewaine, Master John Campble in Fernoch, Duncan M'Alpen, Duncan Leitch, Hew M'Blaren and John M'Chruytor in Auchaharse, Archibald M'Lauchlane of Keuhaniche, heritor of the lands of Keenicke, Dauchnarnan and Over Comes, John Rooych M'Lauchlane and Hew M'Bryne in Ducharnan, Gilbert M'Mertein, Lachlan M'Lauchlane and Hew M'Nicoll in Over Comes, Donald Campble and John M'Vicar in Corlaren, Donald M'Alpen, Archibald M'Chruytor, Archibald M'Evar in Craillmorrull, Jean Campble, lawful daughter and heir to the deceased Master Dougald Campble of Lagge, heritrix, and Barbara Lamount, his widow, liferentrix of the lands of Nether Rudiell and Cnocknacheilt, and the lands of Auchnabreck, Colin Campble of Glenalpen, Alexander M'Tavishe and Hew M'Oldonich in Nether Rudill, John M'Vicar, Duncan M'Breyane in Cnocknaleit, Alexander M'Tavishe, John M'Tavishe and John M'Vikam in Auchinbreck, Allan M'Lauchlane of Dunad, heritor of the lands of Dunad and Barokill, Duncan Dow M'Lauchlane, William and George Steinsones and John Roy M'Lauchlane in Dunad, Archibald M'Intyllor, John M'Intyllor, Duncan M'Phaill, John M'Illbreyd in Barnakill, John Campble of Auchadacherlike, Neill Campble of Over Rudill, heritor of the lands of Over Rudill, Barill and Killbride, Moir M'Callum, his mother, Archibald Campble in Barill, Fergus M'Herreis and John Clerk in Kilbryde, Robert Campble, younger, merchant burges of Glasgow, heritor of the lands of Silver Craiges, underwritten, viz., Nedder Caines Carrig, Auchnaba, Ard-nahenrerrie, Keirmichellbeg, Balemore, Duppenie, Blarbuy,

Lingarten, Duncongynle, Robert Campble, Duncan M'Inuyer and Duncan M'Mertein in Nedder Caines, Hew M'Tavishe, Archibald Black, Patrick M'Quhiriche, Archibald M'Killich and Alexander M'Tavishe in Carricke, Angus M'Mertein, John Campble, John Steuard and Donald M'Invenocke in Auchnaba, John Mathie, elder, and John Mathie, younger, and William King in Ardnocheirerie, Evar M'Illoglashe, John M'Quhirich, Donald M'Morten, Alexander Fergusone, Duncan M'Nab, Archibald and John Campbells in Keirmichellbeg, Partick Campble, younger, Archibald M'Jöck and Neill M'Nicoll in Ballemor, Gilbert M'Ilven, Donald M'Phaden, James Lamount and Colin Campble in Duppenie, John and Archibald M'Ilvernockes, Neill M'Nicoll and Archibald M'Greigor in Blarbuy, Robert Steuart, Duncan Steuart, Evar M'Obrekin and Malcolm M'Niel in Lingartoun, Donald Campble, Hew M'Aren, Archibald M'Kernocke and Hew M'Sorrill in Domicolgyne, the said Duncan Campble of Ardgadden as possessor of the said lands of Silver Craiges, John Black, Archibald M'Chruytor, Malcolm and Duncan M'Ewar, Alexander Lamount, Alexander M'Lauchlane and Alexander M'Euar in Menendryan, Donald Lamount of Drum, Alexander M'Taveis of Garvalt, and Duncan M'Taveis, his son, fiar thereof, Archibald M'Vicar, Breinhaleichs, Patrick M'Ilvenie, Gilbert M'Arthure, John M'Nokaird, Archibald M'Blaren in Auchageyll, Dougald Campble, John M'Inleister, Duncan M'Haugh in Feorling, Angus Campble, Dougald Leitch, John M'Ilreave, Angus Keir Campble in Cnockalloway, and Archibald Lamount in Stronalbanach, Angus Campble of Bliswar, John Campble of Leckworie, Duncan M'Ilmun of Fernoch, Alexander M'Ilmun of Kendlochlean, Donald M'Lauchlane of Carnaem, Malcolm Campble of Stroneskear, Archibald Campble of Keernam, Archibald and John M'Ilmuns, portioners of Sockock, John Campble of Barmeloch, and Neill M'Keller of Laternamust, Archibald Camomes [Lamont?], of Stronalbenoch, Angus Campble of Glaswar, John Campble of Leckuorie, Duncan M'Ilmuns of Fernoch, Alexander M'Ilmune of Kinlochlane, Donald M'Lauchlane

of Kernoe, Malcolm Campble of Strenoskeir, and Archibald Campble of Kerner, and the tutors and curators of so many of them as are minors, if they any have, for their interest; narrating that on 25th August 1670 the pursuer was infeft in the lands and barony of Glastrie, conform to a charter under the great seal granted by his Majesty as *ultimus hæres* to the deceased John, Earl of Dundee, in favour of the pursuer; and that on 10th September 1670 he raised letters of arreistment, and caused Archibald Turnour, messenger, on 22nd, 23rd, 24th and 26th of the said month arreist in the defenders' hands the rents, teinds, feu duties and others after specified. Likewise the pursuer has right to all tacks of the teinds of the said lands standing in the person of the said deceased John, Earl of Dundee, by his Majesty's gift dated 29th November 1670, and consequently to a tack of the teinds of the parish and kirk of Killmichell and Killneuar, set by the deceased John Whyte *alias* Scrymgeour, parson and vicar thereof, with consent of the patron, to Patrick Campble, son of John Campble in Over Rudill, for 101 years, dated 23rd August 1606, assigned by him to John Scrymgeour of Dudope, Constable of Dundee, and his heirs, on 22nd March 1616. Likewise on 14th February 1671 the pursuer obtained a Decreet of Declarator by the Lords of Council and Session against 'certaine persones therein containd as appearand aires and neirest of kinn to the said umquhill John, Erle of Dundie,' finding and declaring that all the foresaid lands are now fallen in the King's hands as *ultimus hæres*, and belong to the pursuer as his Majesty's donator, whereby the pursuer has right to all rents and duties thereof since the decease of John, Earl of Dundee, in June 1668, viz., crops and years 1668, 1669, 1670. These lands, baronies, teinds and others, have been possessed by the persons afternamed, tenants, possessors and occupiers of the same, and were worth and have been in use to pay 'diverse yeares bygaine' the yearly feu-duties, rents, customs and dues aftermentioned, viz. Angus Campble of Glesswell for the feuduty of his lands of Glesswell, Fairmulloch, Succoth and Letternamolt

yearly 48 l. 6 s. 8 d. Scots; for $2\frac{3}{4}$ marts 44 l.; *inde* 92 l. 6 s. 8 d. *Item*, Sir Duncan Campble of Auchinbreck for the feuduties of his lands of Fincharnes Over and Nether, 77 l. 13 s. 4 d. *Item*, Archibald Campble of Lernem for the lands of Kermus and Auchalike 14 l. 13 s. 4 d.; 16 l. for a mart; for 5 stones of cheese at 1 l. 13 s. 4 d. the stone, 8 l. 6 s. 8 d.; *inde* 39 l. in all. *Item*, Donald M'Lauchlane of Carnaem for the feuduties of his lands of Achageren and Carnaem 11 l. 13 s. 4 d.; 12 l. for three-quarters of a mart; $1\frac{3}{4}$ stones of butter, 5 l. 16 s.; a stone of cheese, 1 l. 13 s. 4 d.; 3 kain wedders worth 40 s. a piece; *inde* in all, 37 l. 3 s. 4 d. *Item*, John Campble of Innerlien for the feuduties of his lands of Innerlien, Crare and Garbathie, 26 l.; for $1\frac{1}{2}$ marts, 24 l.; for 2 kain wedders, 2 l. 13 s. 4 d.; *inde* in all 52 l. 13 s. 4 d. *Item*, Jean Campble, daughter and heir to the deceased Master Dougald Campble of Lagge, heritrix, and Barbara Lamount, his widow, liferentrix, for the feuduties of the lands of Nether Ruddill and Knocknacult, 13 l. 17 s. 4 d.; for a mart, 16 l.; for a wedder, 1 l. 6 s. 4 d.; for a stone of cheese, 1 l. 13 s. 4 d.; *inde*, 32 l. 17 s. 4 d. *Item*, Malcolm Campble of Stronosher for the feuduties of his lands of Stronosher, 13 l. 10 s.; for a mart, 16 l.; *inde* 29 l. 10 s. *Item*, John Campble of Leckhorie for the feuduty of his lands of Leckquhorie, 26 l. 13 s. 4 d.; for a mart, 20 l.; *inde* 46 l. 13 s. 4 d. *Item*, Archibald Lamount for the feuduties of his lands of Stronalbanach, 10 l.; for half a mart, 8 l.; for $1\frac{1}{4}$ stones of butter, 4 l. 13 s. 4 d.; *inde* 22 l. 13 s. 4 d. *Item*, Neill Campble for the feuduties of his lands of Over Ruddill, Baryll and Killbryde, 20 l.; for a mart, 16 l.; for 3 stones of cheese, 5 l.; for 2 wedders, 2 l. 13 s. 4 d.; *inde* 43 l. 13 s. 4 d. *Item*, Duncan M'Ilmun for the feuduties of his lands of Fernocke, 5 l. 6 s. 8 d.; for a quarter of a mart, 5 l.; for a kain wedder, 1 l. 6 s. 8 d.; *inde* 11 l. 13 s. 4 d. *Item*, Alexander M'Ilmun for the feuduties of 'his lands of Kenlochleane pertaining to Alexander M'Ilmun,' 5 l.; for a quarter of a mart, 4 l.; *inde* 9 l. 'And in regard that by the clauses irritant in the saids

defendares ther severall infestments the saids few dewties are to be everie year doubled and multiplied so long as the samine remaines unpeyed, therfor since the year j^m vj^e sextie eight payable att Mertimes j^m vj^e sextie eight the saids defendares are lyable in the double of ther saids few dewties, and for the cropt j^m vj^e sextie nyne in the quadruple therof, and swa doubling the sam yearlie during the not peyment therof.' *Item*, the said Sir Duncan Campble of Auchinbreck, heritor of the lands underwritten, James Campble, his uncle, Archibald Campble of Glencaradell, Donald Campble in Skeirsmichell, Colin Campble of Blarintibirt, Duncan Campble of Ardgadden, Master Patrick Campble, minister at Killmalein, and Alexander [*sic*] in Skenaranach in Giga, 'trustie and factores for the said Sir Duncan Campble of Auchinbreck,' Angus Campble in Fincharne Over, Hew M'Callum there, Alexander Campble there, Duncan M'Indeor there, John M'Indeor there, John M'Quhirich there, John Leitch there, Kenneth M'Keller in Fincharne Nether and Killnewar, Hew M'Alpen there, John Roy M'Keller there, Patrick M'Keller there, Angus M'Ilmun there, Duncan M'Lauchlane there, Archibald M'Arthure in Edderlings, Robert Broun there, Patrick M'Arthur there, Dougald Campble, Gilbert M'Callum there, Neill M'Callum there, Walter Grahm in Bravalichis, Gilbert M'Keoll there, Gilbert M'Callum there, Donald Baine M'Vicar there, John Conochar there, Donald M'Herreis there, Donald M'Indeor in Carrens, John Campble there, Margaret Laurie there, for the teind duties of the lands of two Edderlings, Killnewar, two Fincharnes, Bravaliches and Carren, 21 bolls meal and 38 l. money. *Item*, more by the said Sir Duncan Campble of Auchinbreck 'and his saids trusties and factores,' Evar M'Evar in Monenirnach, Duncan M'Nokaïrd there, Alexander Grahme there, Duncan Fledger there, Donald M'Ilevin in Tuns, John M'Inleister there, Archibald M'Intyre in Craignewar, James Steveinsone in Kirktown Kilmichell, John Pulloche there, Hew M'Ilreave there, Duncan M'Ilvenoch there, John Steveinsone, elder, there, John Steinsone, younger, there, for the teind duties of the

lands of Galdanich, Knockmonirney, Balemoir, Kirktown, Killmichell, and Craigneuchar, 30 bolls meal and 36 l. money. *Item*, Robert Campble, elder and younger, merchants burgesses of Glasgow, 'heretor' of the lands of Silver Craiges, Robert Campble in Nedderkaimes, Duncan M'Ineyor there, Duncan M'Merteine there, Hew M'Tavishe in Caricke, Archibald Black there, Patrick M'Quhirich there, Archibald M'Ialich there, Alexander M'Tavishe there, Angus M'Mertein in Auchnaba, John Campble there, John Stewart there, Donald M'Ilvenoch there, John Mathie, elder, in Ardnaherren, John Mathie, younger, there, William King there, Evar M'Iloglaishe in Killmichellbeg, John M'Quhirrich there, Donald M'Mertein there, Alexander Ferguson there, Duncan M'Nab there, Archibald and John Campbles there, Patrick Campble, younger, in Ballemor, Archibald M'Jock there, Neill M'Nicoll there, Gilbert M'Ilveat in Dupen, Donald M'Phaden there, James Lamount there, Colin Campble there, John and Archibald M'Ilvernockes in Banbuy, Neill M'Nicoll there, Archibald M'Greigour there, Robert Stewart in Fingartone, Duncan Stewart there, Evar M'Krobreine there, Malcolm M'Niell there, Donald Campble in Dormcolgeine, Hew M'Ilneuar there, Archibald M'Ilvernock there, Hew M'Sorrill and Duncan Campble of Argadden, 'possessor of the lands off Silver craiges,' for the teind duties of the said lands of Killmichellbeg, Ballemore, Fingartone, Drumcolgeine, Blairbusse, Dupen, Carrickes, Keames, Ardnaherren, Auchnaba, 'pertaining to Archibald Lamount of Silver Craiges,' 40 bolls meal and 60 l. 14 s. 'for the viccaradge therof.' *Item*, Angus Campble of Glesswer, Archibald M'Ilmunie, portioner of Succoth, John M'Ilmune, portioner there, and Neill M'Keill in Letternamult, for the parsonage teind duties of 'his' lands of Glesswell, Succoth and Letternamult, 14 bolls meal and 30 l. 13 s. 4 d. for the vicarage thereof. *Item*, Malcolm Campbell of Stronoskeer, for the parsonage teind duties of his lands of Stronoskeer, 8 bolls meal, and 6 l. 13 s. 4 d. for the vicarage thereof. *Item*, Jean Campble, lawful daughter and heir to the deceased

Mr. Dougald Campble of Lagge, heritrix, and Barbara Lamont, her mother, liferentrix of the lands of Nether Ruddill, Knocknacult and Ach nabreck, Colin Campble of Glenen, Donald M'Ilnohesadge there, John Campble there, Archibald M'Turrill there, Donald Fledger in Lagge and Ach nabreck, Alexander M'Tavishe there, John M'Tavishe there, John M'Vicane there, for the parsonage teind duties of the lands of Nether Ruddill and Knocknacult, 6 bolls meal, and 8 l. for the vicarage thereof. *Item*, Neill Campble of Over Ruddill, Mary M'Callum, his mother, Archibald Campble in Baryll, Fergus M'Herreis there, and John Clerk in Killbryde, for the parsonage teind duties of the lands of Over Ruddill, Barryll and Killbryde, 10 bolls meal, and 11 l. 13 s. 4 d. for the vicarage teind thereof. *Item*, Archibald Lamont of Stronlbanoch, for the parsonage teind duties of his said lands, 2 bolls 2 firlots meal, and 10 merks for the vicarage thereof. *Item*, Alexander M'Ilmun, for the teind duty of his lands of Kenlochlean, 1 boll 2 firlots meal, with 4 l. for the vicarage thereof. *Item*, Duncan M'Ilmund for the teind duty of his lands of Fernoch, 1 boll 2 firlots meal, and 3 l. for the vicarage thereof. *Item*, Colin Campble, heritor of the lands of Inverlea, Crare and Galvachine, Duncan Walker, John M'Ellen, Patrick M'Viccar, John M'Ilmolnadge and Duncan Campble, his tenants in Crare, Alexander and Donald M'Tavishes, elder and younger, Archibald Campble and John M'Ilvean in Garvachie, for the parsonage teind duties of the said Colin Campble's lands, 8 bolls meal, and 12 l. 10 s. for the vicarage thereof. *Item*, the said Archibald Campble for the parsonage teind duty of his lands of Kernen and Ach alike, 5 bolls meal, and 6 l. for the vicarage thereof. *Item*, the said Donald M'Lauchlane for the parsonage teind duties of his lands of Carnaem and Achagarren, 3 bolls 2 firlots meal, and 10 merks for the vicarage thereof. *Item*, Alexander and Duncan M'Tavishes and Alister M'Cawes for the teind duty of the lands of Garvat and Lanquhither 'which pertained of old to Master Dougald Campble of Lagge,' 7 bolls meal, with 11 l. for the vicarage thereof. *Item*, Patrick Campble

of Killmorie, heritor of the lands of Killmorie and Ulicht, Neill Campble, Duncan and Lachlan M'Phaddenes and John Pollohe, his tenants, for the parsonage teind duties of his lands of Ulicht and Killmorich, 7 bolls meal, and 14 l. for the vicarage thereof. *Item*, Archibald M'Lauchlane of Craigturrofe, heritor of the lands of Over and Nether Shirewaynes, Duncan M'Blairen, John M'Dougall, Archibald Broun, Angus M'Inyer, Colin and John M'Lauchlanes, Martin and John M'Apines, Donald M'Blarine, John and Archibald Leitches, Master John Campble, Duncan M'Apine, Duncan Leitch, Hew M'Blarein John M'Chruytor, his tenants, for the teind duty of his lands of Shirewaine Over and Nether, 19 bolls meal, and 11 l. for the vicarage thereof. More by them for the lands of Fernoch and Achahoist, 9 bolls meal, and 9 l. for the vicarage thereof. *Item*, Alexander Lamont, John Black, Archibald M'Chruytor, Malcolm and Duncan M'Ewares, Alexander M'Lauchlane and Alexander M'Ewar, for the teind duties of the lands of Mondryane, 6 bolls meal, and 9 l. for the vicarage thereof. *Item*, Alexander Lamont for the teind duties of his lands of Drum, 3 bolls meal, and 6 l. for the vicarage thereof. *Item*, more by the said Jean Campble, daughter of the said deceased Master Dougald Campble of Lag, and Barbara Lamont, her mother, and their said tenants abovewritten, for the parsonage teind duties of the lands of Auchinkeill, 2 bolls 2 firlots meal, and 4 l. 13 s. 4 d. for the vicarage thereof. *Item*, the said Archibald M'Lauchlane of that Ilk, heritor of the lands of Dunnamucke and Auchinselloch, Lachlan M'Lauchline in Auchinselloch, Neill and Alexander M'Lauchlines there, Neill Steveinsone there, Allan M'Lauchline there, Neill M'Phuney in Dunnamuck, Archibald M'Phuny there, Alexander M'Laertike there, Donald M'Apine there, Archibald Leitch there, John Leitch there, and Donald M'Blaren, his tenants there, for the parsonage teind duties of Dunnamuck and Auchinselloch, 13 bolls meal, and 21 l. 6 s. 8 d. for the vicarage thereof. More by the said Archibald M'Lauchline of that Ilk, heritor of the lands of Drynlea, Gortenagour and

Galdanach, John M'Newar in Gortnagouer, Neill M'Cristell there, Duncan M'Vicar there, Anna M'Breyane there, John M'Intyre in Drynlea, Duncan M'Inlister there, Patrick M'Nicoll in Galdanoch, Nicol M'Nicoll there, tenants and possessors of the said lands, for the parsonage teind duty thereof, 4 bolls victual, with 10 l. for the vicarage thereof. *Item*, Archibald M'Lauchline of Killnewchanath, heritor of the lands of Killnewhanath, Dewcharnane and Over Kaimes, John Roy M'Lauchline and Hew M'Bryne, tenants in Duncharnane, Gilbert M'Merteine, Lachlan M'Lauchline and Hew M'Nicoll in Over Kraimes, for the teind duties of the said lands, 8 bolls meal, and 12 l. for the vicarage thereof. *Item*, Allan M'Lauchline of Dunade, heritor of the lands of Dunade and Barnakyll, Duncan Dow M'Lauchline in Dunade, William and George Steveinsones there, John Roy M'Lauchline there, Archibald M'Intyller in Barnakyll, John M'Intyller there, Duncan M'Phadill there, and John M'Bryde there, tenants and possessors of the said lands, 8 bolls meal, with 10 l. for the vicarage thereof. *Item*, Duncan Campble, for the parsonage teind duties of his lands of Achatacherliche, 3 bolls meal, and 40 s. for the vicarage thereof. *Item*, John Campble of Strondore for the teind duty of his lands of Arblaren and Carrine, 5 bolls meal, with 10 merks for the vicarage thereof. *Item*, Master Dougald Campble, minister at Knabdaill, for the parsonage teind duties of his lands of Barchylle, Gilbert, Hew and Donald M'Tilleitches, and Duncan M'Neill, his tenants thereof, 2 bolls meal, and 4 l. for the vicarage thereof. *Item*, Henry M'Inleitch for the teind duty of his lands of Darenanirnach, 1 boll meal, and 3 l. for the vicarage thereof. *Item*, Neill Campble of Craigmiriall, Donald M'Apine, Archibald M'Chruytor, and Archibald M'Ewar, his tenants, for the parsonage teind duty of the lands of Craigmiriall, 2 bolls meal, and 3 l. 6 s. 8 d. for the vicarage thereof. *Item*, Colin M'Lauchlane for the teind duty of the lands of Ardrie, 2 firlots meal, with 6 l. 13 s. 4 d. of money. *Item*. Archibald Campble of Kernene for the parsonage teind duty of the lands of Knockalloway,

Achagyll and Feoline, 8 bolls 2 firlots meal, and 23 l. for the vicarage thereof. *Item*, Archibald M'Lauchlane of that Ilk, for the parsonage teinds of his lands of Darcloch, 5 bolls meal, with 4 l. for the vicarage thereof. *Item*, John Campble for the parsonage teinds of his lands of Leckquhorie, 4 bolls meal, with 10 merks for the vicarage thereof. *Item*, more by the said Archibald Campble of Kernen, Angus Campble in Knockalloway, Dougald Leitch there, John M'Ilveane there, and Angus Keir Campble there, the sum of eight score merks and 4 kain wedders, 4 'pressantrie deires,'¹ and 3 stones of butter, *inde* in all 130 l. Scots. More by the said Archibald Campble of Kernen, Patrick M'Ilreave in Achagyll, Gilbert M'Arthur there, John M'Nokaird there, and Archibald M'klerin there, 'fro the maill and dewtie of the propertie lands of Achagyll,' the sum of fourscore l. Scots, with 4 kain wedders and 'ane pressand wedder,' and a stone of butter, *inde* 90 l. 13 s. 4 d. More, for 3 barrels of herring, 12 l. 13 s. 4 d. *Item*, more by the said Archibald Campble of Kernen, Donald Campble in Forleine, John M'Inleister there, and Duncan M'Ilherishe there, 'for the maill and dewtie of the propertie lands of Feorlene,' 60 l. Scots, 'and that by and attour the annualrent of the sowm of three thousand merks specifeit and containd in ane wodsett therof granted be the deceist John, Erle of Dundie, to the said Dowgald Campble.' The said defenders refuse to make payment. Charge having been given to them, the pursuer compeared by Sir Robert Sinclair, Sir George Lockhart, Master Alexander Swintoun and Mr. John Baillie, advocates his procurators, who produced the foresaid Crown Charter, Instrument of Sasine following thereon, Decreet of Declarator following thereupon, Letters of arreistment and executions thereof. Tack of the foresaid teinds, and Assignation thereto in favour of the said John Scrymgeour of Dudhope, and the King's Gift in favour of the pursuer, and referred all points not proven thereby to the defenders' oaths *simpliciter*; and Sir Duncan Campble of Auchin-

¹ Evidently a misreading by the clerk of 'pressant weddeires.'

breck and his tenants compeared by Sir Colin Campble, advocate, their procurator ; Patrick Campble of Killmorich and his tenants compeared by Mr. John Stewart, advocate, their procurator ; Archibald M'Lauchlane of that Ilk and his tenants and Donald M'Lauchlane of Dunade and his tenants compeared by Sir John Cunningham, Sir George M'Keinyie and Mr. Alexander Anderson, advocate, their procurator ; Jean Campble, daughter of Mr. Dougald Campble of Lagge, and Barbara Lamont, her mother, and their tenants, Patrick Campble of Killmorich and his tenants, and Duncan Campble of Achatacherliche and his tenants compeared by the said Mr. John Stewart, advocate, his procurator ; Archibald M'Lauchlane of Killnewchana and John Roy M'Laughlane and their tenants compeared by Mr. John Stewart, advocate, their procurator ; and the rest of the defenders failed to compear. The Lords of Council and Session decern and ordain the said Angus Campble of Gleswell, Sir Duncan Campble of Auchinbreck, Archibald Campble of Kernen, Donald M'Lauchlane of Carnaem, Colin Campble of Inverlea, Jean Campble, daughter of Mr. Dougald Campble of Lagge, and Barbara Lamont, her mother, Malcolm Campble of Stronoskeir, John Campble of Leckquhorie, Archibald Lamont of Stronalbonach, Neill Campble of Over Ruddill, Duncan and Alexander M'Ilnumes, to pay to the pursuer the double of the feuduties abovementioned due by them at Martinmas 1668, incurred through not timeous payment of the single feuduty thereof, 'conforme to the expres claus in ther chartoures,' and to pay to the pursuer the quadruple feuduty for Martinmas 1669, and the 'eightuple' thereof for Martinmas 1670, and the 'sextein fold of the samine few dewties' for Martinmas 1671 ; and to pay at the kirk of Killmichell the foresaid yearly feuduties at Martinmas yearly in time coming, with the duplications and multiplications thereof in case of failure in timely payment. The Lords prefer the said Jean Campble, daughter of Mr. Dougald Campble of Lagge, and Colin Campble of Inverlea to a just and equal fourth part of the 'forsaid personadge teind dewties dew and payable be the

said defendares furth of the lands efterspecifeit,' conform to a tack thereof set by the said deceased John, Earl of Dundie, to the said deceased Mr. Dougald Campble of Lagge, for his lifetime, and failing him by death, to the said Colin Campble of Inverlea, 'and that for the croses and yeares of God' 1668, 1669 and 1670, viz. from the lands of Gortenagat, Drynlea and Galdanach 4 bolls meal, from the lands of Inverlea, Crachrea and Garvachi 8 bolls, from the lands of Achagyll 5 bolls, from the lands of Nieland *alias* Ulich 3 bolls, from the lands of Dunnamuike and Auchinleloch 13 bolls, from the lands of Dunnade and Barnakyll 8 bolls, from the lands of two Shiriewaines 13 bolls, and from the lands of Killnewehanath 3 bolls; and ordain the said Jean Campble to have payment thereof for the years and croses above specified preceding her father's decease, and Colin Campble of Inverlea for the years and croses since the said Mr. Dougald Campble's decease; and ordain the defenders liable in payment to pay the said teind bolls of meal to them as above, or the sum of 7 l. money for each boll. They also ordain the said Jean Campble to pay to the pursuer 82 l. 13 s. 4 d. as the yearly tack duty owing by her father for the said teinds, with 20 l. for each year's failure, and to relieve the pursuer yearly of 8 bolls of meal payable by the pursuer to the minister of Kilmichell; and they ordain Colin Campble of Inverlea to make the like payments and relief to the pursuer for the croses and years due by him. Likewise the Lords decern and ordain the whole defenders foresaid to pay to the pursuer the foresaid teind duties parsonage nod vicarage abovewritten, and the rents, kains, customs and other duties of the foresaid lands of Achagyll, Knockllaoway and Feorland, for croses and years 1668, 1669, 1670 and 1671, and in time coming during their possession, nr 7 l. for each boll of meal.

APPENDIX I

APART from their general interest the two writs that follow seem to throw some light on the origin of Mr. Ralph of Dundee. They did not become known to the Editor until the Introductory Note and much of this section of the volume were practically ready to be printed off, and it was therefore necessary to put them in an Appendix. The first writ is in the possession of the Earl of Lauderdale. In The Scrymgeour Inventory¹ (No. 239) it is thus described: 'Ane charter maid be Radulff of Dundie to Richard the sone of Roger, burges of Dundie, and his airis of the land lyand in the Schogait.' The terms of the charter neither prove nor contradict this identification of Ralph, the son and heir of Sir Gregory Long, with Mr. Ralph of Dundee. But they may well be the same person, as the framer of this entry thought, and if so it would seem that of the various suggestions previously made (*vide ante*, p. 117) to explain Mr. Ralph's connection with Glassarie, the only feasible one is that it was somehow acquired by a marriage with its heiress.

The second writ is in the possession of the Earl of Moray. It was brought under the notice of the Editor by Dr. Maitland Thomson, who most kindly took the trouble to make both the copy and the abstract given below. It shows how Ralph's son and successor John describes himself as de Dundee *sive* de Glascereith, and that Ralph had a daughter Elizabeth. It also shows that there were such relations between Ralph of Dundee and Thomas, Bishop of Ross, at one time known as Mr. Thomas of Dundee, as justify the suggestion that they were members of the same family.

- I. CHARTER by Ralph, son and heir of Sir Gregory Long, to Richard, son of Roger, of a tenement in the Segat of Dundee, *circa* 1281.

Sciant presentes et futuri quod ego Radulfus filius et heres Domini Gregorii Longi² dedi et concessi Ricardo filio Rogeri

¹ *Scot. Rec. Soc.*

² Among the witnesses to a charter by Henry de Hastings of a tenement in Dundee in 1268 is Gregory le Long, burges of Dundee (*Liber Sancte Marie de*

burgensi de Dundee et heredibus suis vel eorum assignatis terram meam in le Segat juxta terram Nicholai dicti Chapelani ex parte orientali et terram quondam Ricardi Clerici ex parte occidentali cum omnibus suis pertinentiis in emphiteosim pro quatuor solidis sterlingorum annuatim reddendis michi et heredibus meis vel assignatis plene sine aliqua diminutione infra nundinas¹ de Dundee, et quod ipse et heredes sui vel eorum assignati facient et solvent pro dicta terra quicquid fieri vel solvi debet vel debelit: Et dato quod dicta terra quod absit terre motu vel casmate vel aliquo alio casu in totum destruat, adhuc pro se et heredibus suis vel eorum assignatis ipse promittit michi et heredibus meis vel assignatis dictos equatuor solidos annuos: Termino solutionis incipiente ad nundinas de Dundee anno gratie millesimo ducentesimo octogesimo primo. Ego vero Radulphus et heredes mei vel assignati warentizabimus dictam terram dicto Ricardo filio Rogeri et heredibus suis vel assignatis, et defendemus contra omnes homines et mulieres. Promittens insuper dictus Ricardus filius Rogeri pro se et heredibus suis vel eorum assignatis edificare dictam terram et meliorare et non permittere dictam terram pejus edificari quam fuit illo tempore quo dictam terram a me recepit. Et ad hec tenendum utraque pars obligat omnia bona sua. Ad hujus rei securitatem dictus Ricardus filius Rogeri invenit Nicholaum dictum Chapelanum dicto Radulfo fidejussorem obligantem se consimili modo obligationis et renunciacionis quo dictus Ricardus preobligatus est insolidum principalem debitorem. Et ad majorem hujus rei securitatem presentis scripti in modum cyrographi confecti medietatem habet dictus Ricardus sigillatam cum sigillo dicti Radulfi, et aliam medietatem habet dictus Radulfus sigillatam cum sigillis dictorum Ricardi filii Rogeri et Nicholai dicti Chapelani; hiis testibus,

Balmorinach, Abbotsford Club, p. 25), and curiously enough one of the witnesses to the immediately preceding writ, also relating to a tenement in Dundee, is 'Gregorio ejusdem Ville.' So possibly Gregory le Long is the same as Gregory of Dundee.

¹ From the time of David, Earl of Huntingdon, the Burgh of Dundee was under the patronage of the Blessed Virgin, in whose honour its great Parish Church was dedicated. The Annual Fair was held on the Feast of the Assumption, *i.e.* August 15 old style, August 26 new style. A second fair was held on the Feast of her Nativity, September 8 old style, September 19 new style. But 'the *first* fair callit the Assumption day of Our Lady' was the great fair. It lasted for eight days, and was the cause of much controversy between the Burgh and successive Constables of Dundee.

Ricardo de Lambiston,¹ Waltero de Wainflet, Jacobo de Castro, Alano de Pollis, Willelmo Stori, Henrico de Ripon, Henrico Lambi, Willelmo Brun, Cleopha Alberti, Radulfo mercatore, Radulfo Camand,² Johanne Ruffo, burgensibus de Dundee, et aliis.

(Abstract.)

‘LET all present and future know that I, Ralph, son and heir of Sir Gregory Long, have given and granted to Richard, the son of Roger, burgess of Dundee, and his heirs and their assignees, my land in the Seagate next the land of Nicholas called Chapelan, on the east, and the land of umquhile Richard Clerk on the west, with all its pertinents, in feu, for four shillings yearly, to be paid to me and my heirs or assignees in full without abatement at the fair of Dundee, he and his heirs or their assignees doing and paying for the said land whatsoever is or shall fall to be done or paid for the same; and even if the said land, which God forbid, shall by movements or subsidence of the earth or any other mischance be totally destroyed, the said four shillings shall still continue to be paid, such payment commencing at the fair of Dundee in the year of grace 1281. I, the said Ralph, and my heirs or assignees, shall warrant the land aforesaid to the said Richard, son of Roger, and his heirs and assignees, and shall defend the same against all men and women; the said Richard, son of Roger, moreover promising for himself and his heirs and assignees to build on and improve the said land and never permit the same to be worse built on than it was at the time when he received it from me. And for the due fulfilment hereof each party hereto binds his whole effects; in security whereof the said Richard, son of Roger, has found as a cautioner Nicholas called Chapelan, who binds himself in all respects like the said Richard as full and principal debtor. And for greater security the present writ is made in duplicate, the said Richard receiving that sealed with the seal of the said Ralph, and the said Ralph receiving that sealed with the seals of the said Richard, son of Roger, and Nicholas called Chapelan, before these witnesses,’ &c.

II. OBLIGATION by JOHN DE DUNDE or DE GLASCEARETH, son and heir of Sir Radulph of Dundee, in favour of Thomas, Bishop of Ross, dated November 1, 1321.³

OMNIBUS christi fidelibus has literas visuris vel auditoris/Johannes de Dundee siue de Glascereth filius et heres domini Radulphi de

¹ Another writ in the Cartulary of Balmerino (*Liber Sancte Marie de Balmorinach*, Abbotsford Club, p. 26), dated 1281, has for witnesses ‘Radulpho de Dundee, Waltero de Waineflet, Alano de Pollis, Herveo Lambi, Ricardo de Lambiston, and J. Ruffo Clerico et aliis.’

² Probably the same as Crammond, a well-known name in Angus.

³ Dr. Maitland Thomson has kindly supplied the following note: ‘From the

Dunde ¹ salutem in domino. Noueritis me teneri et tenore presencium fide media firmiter obligari/Reuerendo in christo patri domino Thome deī gracia Episcopo Rossensi in quinquaginta marcis bonorum et legalium sterlingorum/quas domini Abbas et Conuentus de Cupro ad instanciam dicti domini Episcopi predicto domino Radulpho patri meo pro maritagio Elizabeth sororis mee mutuo concesserunt. Soluendis eidem domino Episcopo vel suo certo attornato cuicumque has literas deferenti ad quatuor terminos subscriptos. Videlicet ad terminum pentecostes anni graciae. Mⁱ.CCCⁱ. vicesimi secundi et ad terminum sancti Martini in hyeme eiusdem anni Item ad terminum pentecostes anni domini.Mⁱ.CCCⁱ. vicesimi terciij. et ad terminum sancti Martini in hyeme eiusdem anni. sine vltiori dilacione/canillacione vel contradicione aliqua sub pena decem marcarum ad fabricam ecclesie Brechynensis² quolibet anno soluendarum/quamdiu a solucione dicte pecunie in toto uel in parte ad prefatos terminos fuerit cessatum. Et ad hec omnia sine dolo. fraude. uel malo ingenio fideliter facienda; obligo me/heredes et executores meos/ac omnia bona nostra mobilia et immobilia/ecclesiastica et mundana ubicumque fuerint inuenta infra burgum uel extra fore capienda sine licencia cuiuscumque balliui detinenda et pro voluntate dicti domini Episcopi vendenda/quousque sibi. tam de dampnis suis/expensis et fatigacionibus/si que uel quas fecerit aut sustinuerit occasione predicte pecunie/prescriptis terminis suis in toto uel in parte non solute plenarie fuerit satisfactum/quam de debito principali/nullo proponendo obstante. et super hoc simplici verbo dicti domini Episcopi/uel eius attornati credetur sine vltioris onere probacionis. Subiciens insuper me heredes et executores meos Jurisdiccioni et cohercioni Archidiaconi brechynensis/qui pro

original in the charter-chest of the Earl of Moray (box 32, bundle 5, No. 71). One seal, that of the granter, remains attached; it is in poor condition, and the inscription is gone. It bears a Lion rampant, and a chief chequy. Seven other tags remain.' To the Editor, who has seen a cast of the seal made by Mr. Rae Macdonald, the chief does not seem to be chequy, but charged with what looks like a cross.

¹ As Ralph of Dundee was dead by 1312 the transaction must have taken place prior to that date. There is no instance of his ever being designed de Glascereith—though Glassarie seems to have belonged to him.

² Master Thomas of Dundee, Dean of Brechin and Canon of Ross, described as 'quam morum tam generis nobilitate preclarus,' was consecrated Bishop of Ross before January 27, 1296-7. He was dead by the spring of 1325 (*The Bishops of Scotland*, by Bishop Dowden). His name and his practical interest in the marriage settlements of Elizabeth suggest that he was nearly related to Ralph of Dundee, possibly a brother.

tempore fuerit/vt nos et quemlibet nostrum ad omnia premissa fideliter obseruanda possit compellere per omnimodam censuram ecclesiasticam. Renuncians etiam in hac parte pro me et heredi-
bus meis et executoribus/omni cauillationi/excepcioni et Juris remedio canonici et ciuilibus/ac omnibus allegacionibus aliis/que mihi in hac parte poterunt prodesse/et dicto domino Episcopo contra istam obligacionem mean in aliquo obesse. Et ad maiorem huius rei securitatem prefato domino Episcopo faciendam/homines subscriptos/sibi inueni fideiussores et principales debitores/quemlibet eorum in solidum . qui se ad omnia premissa pari modo obligarunt. Videlicet dominum Thomam Gerland rectorem ecclesie de banevy/philippum de logy . Andrea de botha¹ . Alanum de balmossy² . Alanum Jacob . Johannem de Schave . Ricardum filium Bridini et Johannem dictum Nurys burgenses de Dundee . In cuius rei testimonium presentibus literis sigillum meum³ vna cum sigillis dictorum fideiussorum meorum apposui. Datum apud Dundee die dominico in festo omnium Sanctorum Anno gracie, M^o.CCC^o. vicesimo primo.

¹ The deceased Nicholas de Botha appears as having been proprietor of land in Dundee in a charter by Robert I. to Patrick de Inuirpeffre (*Reg. Mag. Sig.*, vol. 1306-1424, Nos. 691-779).

² The lands of Balmossie are in the parish of Monifieth. Alan de Belmossie had a charter from Robert I. of lands in Dundee and the third part of Craigie (*ibid.*, App. II., No. 457).

³ As the arms on this seal clearly contain a lion rampant, it is suggested by Dr. Maitland Thomson that this fact possibly explains the mysterious stipulation in No. xxxii. (*vide ante*, p. 179), and after a good deal of consideration the Editor is inclined to agree. The Scrymgeour arms are given by Nisbet (i. p. 288) as *gules*, a lion rampant *or*, armed and langued *azure*, holding in his dexter paw a crooked sword or scimitar *argent*. Whatever may be the origin and antiquity of these arms the earliest extant instance of their use is in 1444, by Sir John Scrymgeour, one of the parties to the indenture of 1443, whose seal is thus described by Mr. Rae Macdonald (*Scottish Armorial Seals*, No. 2498): 'Couché, a lion rampant holding a sword in the sinister paw. Crest, on a helmet a lion paw holding a sword erect. Legend (Goth. l.c.), S iohannis Scrymiour.' It may be that the similarity between these arms and those of John de Glassarie is accidental—or it may be that the Scrymgeours only adopted the lion after the marriage of Alexander Scrymgeour with Agnes, the heiress of Glassarie. But the puzzle does not end here, for the next question is how did John de Glassarie come to bear the lion rampant? The arms on his seal may of course be those which his father, Ralph of Dundee, used before him; but no seal of Ralph exists to throw light on the matter. Moreover, Ralph himself is never designed 'de Glassarie,' and it is possible that it was really through his mother, and not through his father, that both Glassarie and the lion rampant came to their son. Be this as it may, John de Glassarie was in some way or

(Abstract.)

JOHN DE DUNDE or de Glascereith, son and heir of Sir Radulph de Dundee, obliges himself to Thomas bishop of Ross for 50 merks good and lawful sterlings, which the abbot and convent of Coupar at the said bishop's instance granted to said Radulph for the marriage of the granter's sister Elizabeth. To be paid to the bishop, or his attorney bearing these letters, at four terms, viz., Whitsunday 1322, Martinmas 1322, Whitsunday 1323, and Martinmas 1323, on pain of 10 merks to be paid to the fabric of the church of Brechyn each year of delay of payment. To this the granter obliged himself and his heirs, and all his goods, moveable and immoveable, within or without burgh, to be taken without leave of any bailie and sold at the bishop's will: subjecting himself and his heirs to the jurisdiction of the archdeacon of Brechyn. The granter has found the following cautioners, each of them liable *in solidum*, viz., Sir Thomas Gerland, rector of Banevy, Philip de Logy, Andrew de Botha, Alan de Balmossy, Alan Jacob, John de Schave, Richard, son of Bridin and John, called Nurys, burgesses of Dundee.— Given at Dundee, Sunday, All Saint's day, 1321 (*i.e.* 1 November).

other the successor of Gillascop Macgilchrist, while his son, Gilbert, it will be remembered, added to his possessions the lands which had belonged to John, the son of Gillascop's brother Ewen (*vide ante*, p. 136). It is therefore instructive to find that Nisbet (ii. p. 10), citing the Lyon Register, gives the arms of MacGilchrist of Northbar as *Gules*, a lion rampant *argent* within a bordure invected of the last; crest, a lion's paw bendways *argent*.

This blazon of itself indicates that these were the arms of a cadet whose chief probably bore a lion rampant without a bordure of any kind; and this seems to be confirmed by Pont's MS., which gives the arms of Gilchrist as *gules*, a lion rampant *argent*, armed *or*. Though nothing definite seems to be known as to the identity of Gillascop MacGilchrist or his brother Ewen (*vide ante*, p. 136, note 2), it is not improbable that they were of kin to their neighbour and contemporary Douenaldus Macgilcriste Dominus de Tarbard, who certainly had a seal which he declares he had affixed to a grant to the monks of Paisley, *circa* 1250 (*Reg. Monast. de Passelet*, p. 157). This seal is not in existence. But a seal of John, the son of Ewen, who appears in the Ragman Roll as 'John Ewynson Macgilchrist,' is preserved, and is described by Mr. Bain (*Calendar of Documents*, ii. p. 534) as 'Vesica shape, a twig (?),' and no great exercise of imagination is required to reach the conclusion that this conjectural twig is really an attenuated lion rampant. All these facts taken together seem to warrant the theory that the arms of the old Celtic family who owned Glassarie were a lion rampant—that these arms passed with the land to the son of Mr. Ralph of Dundee, and came to be regarded as territorial. If this be so it is easy to understand, whatever be the true origin of the Scrymgeour coat, why Sir John Scrymgeour apprehended that if he parted with Glassarie there might be some trouble about his continuing to bear the lion in his arms, and that to prevent this the very curious clause in question was accordingly inserted in the indenture.

APPENDIX II

MEMORANDUM ANENT CHARTER BY ALEXANDER II.
TO GILLASCOP MACGILCRIST.

THIS charter is of very great historical value. It is the earliest extant Crown grant of lands in Argyll, and dates from the time when that province was being finally incorporated in the Scottish realm. It also suggests a number of interesting questions, some of which it is attempted to discuss in this Memorandum. And even if such results as the Editor has been able to reach turn out to be ill founded, it is hoped that the bringing together of the material which he has collected with some trouble may be of use to other inquirers.

I

Different opinions have been expressed as to what is meant by *Servitium Scotieum* or *Scoticanum*. In his preface to the *Acts of the Parliament of Scotland* (vol. i. p. 12, note 2) Mr. Cosmo Innes says: 'The *Servitium forinsecum* and *Scoticanum servitium*, which seem to correspond with the *utwer* and *inwer* of some charters, were probably the obligation of foreign service and that of service in the army within Scotland.' And many years later in his lectures on *Scotch Legal Antiquities* (p. 621) he says: 'Servitium forinsecum or *Scoticanum*, service without or within Scotland, corresponded to the old Saxon *utwer* and *inwer*'—terms which, he points out, are to be found in a Kelso charter of 1190.

In this view *Servitium Scoticanum* is contrasted with *servitium forinsecum*, and would seem to be regarded as synonymous with the *Servitium intrinsecum* that sometimes appears, e.g. in the Luss charter after cited where the delivery of so many cheeses is said to be 'pro omnibus aliis serviciis tam forinsecis quam intrinsecis.' See also *Reg. Prior. St. Andree*, p. 277; *Liber de Melros*, p. 231.

It is, however, difficult to accept this simple and precise definition, in view of the terms of several of the *Cartae Originales* in the *Registrum Moraviense*, edited by Mr. Innes himself. In a charter of Tulibardyn, for instance, dated in 1284, the reddendo is 'Faciendo inde . . . forinsecum servitium domino Comiti de Stradhern quan-

tum ad dictam terram pertinet *scilicet Servitium Scoticanum*,' and it is practically the same in a charter of Dalrewach, supposed to be dated in 1290 (*Regist. Morav.*, pp. 466-468).

Again, in a charter of *circa* 1284, the reddendo is a pair of gloves and one penny at Easter 'et faciendo forinsecum Servitium Scoticanum Domini regis quantum pertinet ad dictas terras' (*ibid.*, p. 462); in another the reddendo is 4 merks in full of all other exactions 'salvo forinseco servitio Domini regis quantum ad dictas terras pertinet' (*ibid.*, p. 463); while yet another runs 'faciendo . . . forinsecum servitium regium' (*ibid.*, p. 471).

Dr. Skene's opinion on this matter seems to have varied. In his appendix to the second volume of Fordun (*Historians of Scotland*, vol. iv.), he says (pp. 454-5), 'The Fecht and Sluagad are usually translated expedition and hosting. . . . Sluaged is thus defined in the Brehon laws, "hosting, viz., going to the wars, going on a creich, and going with the King to make laws (here termed *Cana*) or inter-territorial regulations." This was the forinsecum servitium called Servitium Scoticanum, viz., service in the army for the defence of the kingdom and attending the King's Council. . . . The Feacht was the expedition within the kingdom and was termed *intrinsecum* in contrast to *forinsecum*.'

Further consideration seems to have led him to see that Servitium Scoticanum included the Feacht as well as the Sluaged, for he says (*Celtic Scotland*, vol. iii. p. 234): 'The *Feacht* and *Sluaged* (*expeditio et exercitus*) consisted of a general obligation, originally upon the members of the tribe, and afterwards upon the possessors and occupiers of what had been tribe territory, to follow their superiors and chiefs as well as the Ardri or sovereign on his expeditions and wars. They are usually termed expedition and hosting, and in Scotland the burden was apportioned upon the davach of land. . . . These obligations seem to have constituted what is called in charters Scottish service (*Servitium Scoticanum*), and were of two kinds, internal and external, the one representing the *Feacht* or expedition, and the other the *Sluaged* or hosting.' He then repeats that they are distinguished as *intrinsecum* and *forinsecum*, and proceeds to show their connection with the davach as the unit of land in some old system of territorial taxation. Dr. Skene, it must be remembered, is endeavouring to reconstruct the Celtic polity largely from Irish sources, and it may not follow that what he pictures ever actually existed in Scotland. But anyhow his latest view seems to be that Servitium Scoticanum included both servitium intrinsecum and servitium forinsecum, on the ground

that these were the *feacht* and *sluaged*—the inwer and utwer of Mr. Cosmo Innes.

Dealing with this matter Bishop Dowden says in his Introduction to the *Chartulary of Lindores* (Scot. Hist. Soc., xlii. p. 75, note 6): 'It would be out of place to enter on the discussion of the question disputed by feudalists as to the sense of *servitium forinsecum*. There is no doubt that it applies to services *outside* those due to the immediate superior in cases of subinfeudation and ordinarily to service due to the king. Some would confine its application to *expeditio* or the foreign military service of the king.'

These latter authorities, whoever they may be, are thus in sharp conflict with Dr. Skene.

What appears to be the Bishop's own view seems in accord with the definition of *servitium forinsecum* given by Ducange, viz. 'Quod non ad dominum capitalem sed ad Regem pertinet—ita dictum quia fit et capitur foris sive extra Servitium quod fit domino capitali unde vocatur etiam Servitium Regale quia specialiter pertinet ad Dominum Regem et non ad alium.' And consistently with this statement *Servitium Regale* is defined as 'idem quod Forinsecum Servitium Militare, quod Regi debetur a subditis et vassallis.'

In this view the distinction between *intrinsecum* and *forinsecum* has regard solely to the person to whom the service is due, and has nothing to do with where it is to be performed, viz. within or without the realm. It might have been expected that the phrase would have been found only in the charters of lands held of subject superiors. But this is not so. There are many instances in Crown grants of the grantee being declared bound to render the *servitium forinsecum* used and wont pertaining to the lands conveyed (cf. *ante*, No. ii. p. 124, and No. xxvi. p. 168, or the Lochow reddendo, *post*, p. 236). Perhaps the explanation may be that the word *forinsecum* primarily denoted that the service was independent of or *foreign* to the grant; in other words, that it did not, like the stipulated feu-duty or knight's service, depend on the terms of the charter, but was due by customary law in respect of the possession of the land. This suggestion seems to fit in with the terms of various charters, of which an early instance is that by which Alexander ii. granted the lands of Bamff, in Angus, to Master Neis, his medicinar, to be held 'per servitium quarte partis unius militis et faciendo aliud forinsecum servitium quod ad easdem terras pertinet' (*Bamff Charters*, p. 7). As time

passed this primary meaning seems to have been forgotten, or at all events superseded by another arising out of the fact that it was to the king that such service was due, so that in the end *forinsecum* seems to have become synonymous with *regale*.

There are certain charters which at first sight seem to run counter to this definition. For example, in a charter already referred to, Muriella, who held the lands of Tulibardyn of the Earl of Strathearn, granted these to William de Moravia, her son-in-law, to be held of her and her heirs—the vassal being bound to render ‘forinsecum servitium domino Comiti de Stradhern quantum ad dictam terram pertinet scilicet Servitium Scoticanum’ (*Reg. Morav.*, p. 466). In a charter of Dalrewach to the same grantee the reddendo is ‘Faciendo . . . forinsecum servitium domino Comiti de Stratheren quantum pertinet ad dictam terram scilicet Servitium Scoticanum’ (*ibid.*, p. 469). In a charter (*circa* 1248) by Maldouen, Earl of Lennox, to Sir David of Graham, of a carucate of land called Mukeraw, the reddendo is even more curious. The earl is the granter, the lands are to be held of him, and yet the reddendo is ‘faciendo . . . michi et heredibus meis forinsecum servitium domini Regis quando contingit quantum pertinet ad unam carucatam terre in Leuenax’ (*The Lennox*, vol. ii. p. 11). In a later charter (*circa* 1332) of lands in Fife there is a similar clause, ‘Faciendo . . . nobis et heredibus nostris homagium et forinsecum servitium domini nostri Regis quantum pertinet ad predictam terram’ (*Memorials of the Family of Wemyss of Wemyss*, vol. ii. p. 11). Other instances could easily be given if space allowed.

The difficulty, however, seems met by another statement of Ducange founded on Bracton: ‘Ad regem pertinet quidem servitium forinsecum nisi tamen, addit Bracton 16. § 7, cum dominus capitalis in propria persona profectus fuerit in Servitio, vel nisi cum pro servitio suo satisfecerit domino Regi quocunque modo.’

In Royal confirmations of early charters the words *salvo servitio nostro* almost always appear, even where the grant is to a religious house, and the pious donor has declared it to be free from all exactions or burdens of service. In such a case, as Bishop Dowden points out in his Introduction to *The Chartulary of Lindores Abbey* (*Scot. Hist. Soc.*, vol. xlii. p. lxxv): ‘The land was conveyed, the monks were exempted from the military service due from the land, which,

though still to be rendered to the king, was to be rendered by the superior.' It was open to the king, if he saw fit, to free the land altogether from these services. In general terms this appears in the foundation charter of Scone in which Alexander I. and Sybil his Queen declare their grant to be 'liberam et solutam et quietam ab omni exactione et inquietudine a quibus regia dignitas et potestas potest eam liberare patrocinare et defendere' (*Liber Ecclesie de Scon*, p. 1). In more detail it is found in a grant by William the Lion to the Abbey of Arbroath: 'Tenendas in liberam et quietam et perpetuam elemosinam libere et quiete *ab exercitu et expeditione* et operatione et auxilio et ab omnibus consuetudinibus et omni servicio et exactione' (*Regist. de Aberbrothoc*, p. 12), which is in marked contrast to what the same king does in another charter to the same abbey, 'Omnia . . . concedo sicut ego terras meas proprias possideo defensione regni mei excepta et regali Justicia si abbas in curia sua aliqua negligencia de Justicia deciderit' (*ibid.*, p. 7).

Some lands in Katerlyn granted to the Abbey of Arbroath *circa* 1206 by William FitzBernard are declared to be free 'ab omni exercitu et expeditione et ab omnibus auxiliis et geldis et ab omnibus operationibus et wardis et ab omnibus placitis et querelis et ab omnibus consuetudinibus serviciis et secularibus exactionibus' (*ibid.*, p. 45). The confirmation by William the Lion, however, contains the words *salvo servicio meo* (*ibid.*, p. 46).

But the normal course was for the services to be rendered by the pious donor, though sometimes they fell to be discharged by the grantees.

In a grant to Arbroath of their lands of Tibberty and Glenfarquhar, etc., Robert, the son of Warnebald, and his wife Richenda de Berkeley, declare that the same shall be held 'salvo forinseco domini regis in exercitu et communi auxilio de quibus dicti monachi respondebunt' (*ibid.*, p. 198), and in the confirmation by Alexander II. the words *salvo servicio nostro* occur—perhaps unnecessarily (*ibid.*, p. 199).

Another form of words seems to have the same meaning. Turpin, Bishop of Brechin (1178-1198), grants to the Abbey of Arbroath a toft and croft in Stracathro to be held of him and his successors free, 'ab omni consuetudine et exactione preter *commune auxilium regis*' (*ibid.*, p. 50), and this is confirmed by the king (*ibid.*, p. 51). In the confirmation the usual words *salvo servicio meo* do not occur, probably because the king's service was expressly reserved in the bishop's grant.

Three consecutive charters in the same Chartulary illustrate the process: (1) Philip de Malevill and Eva, his wife, the daughter of Walter, the son of Sibbald, give to the Abbey of Arbroath (*circa* 1200) the land which the said Walter had given *in maritagio* with his daughter, free 'ab exercitu et expeditione,' etc., and declared that the said Walter and his heirs 'adquietabunt in perpetuum et respondebunt de omnibus serviciis et accidenciis quae spectant vel spectare poterunt versus prenominatam terram aut animalia quae in ea sunt' (*Regist. de Aberbrothoc*, p. 64).

(2) In the Royal Confirmation the words *salvo servicio meo* properly occur (*ibid.*, p. 65).

(3) The third charter is by Walter, the son of Sibbald. In it he confirms the gift and undertakes the obligation of these services, 'ita quod predicti monachi aut sui qui in terra illa manebunt nichil mihi aut heredibus meis vel alicui viventi de predicta terra facient nisi divinam pro nobis deprecari misericordiam' (*ibid.*, p. 66).

In the Dryburgh Chartulary there are many instances of the pious donor binding himself to relieve the monks of these services, *e.g.* Henry, the son of Sampson of Logis, declares, 'Ego autem et heredes mei omnia forinseca et auxilia et omnes exactiones dictam terram contingentes faciemus' (*Liber de Dryburgh*, p. 124).

Where the monks were not freed from military service by the king, or relieved of it by the pious donor, they probably passed it on to their vassals or tenants. An illustration of such procedure is found in the case of the lands of Bolden belonging to the Abbey of Kelso, where the tenants 'respondebunt singulariter de forinseco servicio et de aliis sectis' (*Liber de Calchou.*, vol. ii. p. 461; *cf. ibid.*, p. 361).

Arrangements for the performance of the king's service might also be made among lay folk as a mere matter of business. For instance, in an agreement, dated 1286, between the heirs portioners of Duffus, *viz.* William de Fedreth and his wife Christina, and Sir Reginald le Chene, the younger, one of the stipulations was 'Quod homines et tenentes dictorum W. et C. et heredum suorum facient Scoticanum servitium quotienscunque hujusmodi servitium contigerit exigi vel prestari' (*Regist. Morav.*, p. 341).

It would also seem that even at an early date the prestations other than the services due to the king were sometimes commuted by the overlord, *e.g.* in a charter by Maldouen, Earl of Lennox, of certain lands of Luss (*circa* 1250), which runs: 'Reddendo inde nobis et heredibus nostris ab ipsis et heredibus suis in com-

muni Exercitu domini Regis duos caseos de qualibet domo in dicta terra in qua fit caseus, pro omnibus aliis serviciis tam forinsecis quam intrinsecis, et consuetudinibus et exactionibus et demandis, et faciendo de regalibus auxiliis communibus quantum ad duos arathor in Comitatu de Leuenax juste pertinet' (*Cartularium de Levenax*, p. 19). This charter was confirmed by King Robert I., March 6, 1316, and in the confirmation the words *salvo servitio nostro* do not appear—apparently being unnecessary (*Chiefs of Colquhoun*, vol. ii. p. 276).

It is hardly necessary to give instances of the distinction drawn, in original Royal grants as contrasted with confirmations, between ordinary feudal services and the old *Servitium Scoticum*. That distinction clearly appears in the present charter, and one later illustration may suffice. In a charter by King Robert I., dated March 20, 1315, to Walter Fleming of lands in Angus, the reddendo is: 'Faciendo inde nobis et heredibus nostris dictus Walterus et heredes sui octavam partem servicii unius militis in exercitu nostro et Scoticum servitium debitum et consuetum,' etc. (*The Red Book of Menteith*, vol. ii. p. 225).

III

From these various citations the meaning both of *servitium forinsecum* and of *servitium Scoticanum* seems pretty clear. They also seem to explain why *servitium Scoticanum* is with propriety sometimes described as *forinsecum*. That the converse, however, does not hold is well illustrated by a charter of King Robert I. of lands in Buchan to William of Strabrok, where the clause is 'faciendo . . . forinsecum servitium quantum pertinet ad quintam partem servitii unius militis in exercitu nostro et Servitium Scoticum debitum et consuetum' (*Reg. Mag. Sig.*, vol. 1301-1424, App. No. 3). That is to say the grantee had to render to the king of whom he held *in capite* both the feudal service measured and fixed by the terms of the charter, and also the *Servitium Scoticanum* due by customary law from time immemorial.

That the *Servitium Scoticanum*, like the other old Celtic burdens, was somehow proportioned to the davach of land seems undoubted. A well-known instance is afforded by the charter by Alexander II. to the monks of Scone, in which the reddendo is 'Faciendo forinsecum servitium tantum quod pertinet ad quinque davachas terre. Servitium vero pertinens ad sextam davacham de Blar dictis canonicis remissimus' (*Liber Ecclesie de Scon*, p. 42).

So far as these facts justify the formation and expression of an opinion, it seems that the situation was something like this. Before the introduction of the feudal system there was in the old Celtic kingdom of Scotland a regular and well-known obligation of military service, probably on the whole population, but certainly upon all occupiers of land, and proportioned in some way to certain old territorial divisions, of which the *lavach* seems to have been the original unit. The importance of this old Celtic kingdom has been emphasised by Mr. Baron in his recent history of *The Scottish War of Independence*, and it is curious that *servitium Scoticum* or *Scoticannum*, so far as the present writer has observed, appears only in charters of lands lying within it.

With the introduction of the feudal system came new obligations, generally expressed in the charters by which lands were granted, and if not expressed, held to be implied therein, prestable by each vassal in the whole feudal chain. In legal phraseology, these conventional prestations were in addition to, and did not supersede, the older consuetudinary obligation, which still remained.¹ This was naturally known as *servitium Scoticanum*, and for the reason already given is also properly described as *servitium forinsecum*.

This suggestion seems to derive support from the Memorandum of a solemn decision pronounced as early as the year 1220 (*Act. Parl. Scot.*, vol. i. p. 398). Early in his reign Alexander II. had to deal with a rising in the north, and after it was over (postquam Rex fuit in exercitu apud Inverness contra Donaldum filium Nigelli) all the dempsters (*judices*) of Scotland appear to have been convened at Perth to deal with the penalties incurred by those who had absented themselves from the hosting (*qui ab exercitu defuerunt*). The persons mentioned include comites et eorum thani (the Mormaers² and Toisechs of the *Book of Deer*), bishops, abbots, barons, milites, thani qui de Rege tenent, *ochtyerns* and *rustici* or *carls*—a classification that plainly has its roots in pre-feudal times. Moreover, neither the penalties nor their application have any relation to feudal ideas, but obviously depend on the old Celtic law imposing the obligation of military service which the defaulters had failed to observe. Incidentally this record shows also that *exercitus* or hosting, which Dr. Skene

¹ Perhaps the French *ban* and *arrière ban* afford an analogy.

² Dr. J. Hill Burton (*e.g.* vol. i. p. 339) seems to have invented for himself the form *Maarmor*, which has not even the merit of being phonetic.

admits to be the same as the Gaelic *sluaged*, was applied to service within the realm and not limited to external or foreign warfare.

Another fact leads to the same conclusion. From the time of Robert I. onwards there are statutes prescribing the arms offensive and defensive wherewith different classes of men were to equip themselves in time of war. And succeeding sovereigns attempted with more or less success to secure that the whole fencible population should be trained to the use of these arms, and in particular endeavour to make themselves proficient in archery. But there appears to be no trace of any legislation imposing the duty of military service. That seems to be taken for granted, and the concern of the rulers is merely to secure that it shall be efficiently discharged. It seems therefore that it was not the feudal system but the old Celtic law of military service, imposed also on the conquered province of Lothian, that both before and after the War of Independence was the true basis of the system of national defence. X

IV

It has generally been assumed that this military service was rendered solely on land, but there seems some reason for doubting whether this was the case.

With the settlement of Scotland under Robert I. a new form of reddendo appears in various charters, viz. the provision of galleys. Notable instances of this reddendo appear in the charters of Moidart and other estates to Ruari MacAllan on the resignation of his half sister, Christina de Marre (*Reg. Mag. Sig.*, vol. 1306-1424, App. 1. No. 9), of the Isle of Man to Thomas Randolph (*ibid.*, No. 32), of lands in Kintyre to James MacDunsleph (*ibid.*, No. 105), and of Lochow to Colin Campbell (*ibid.*, No. 106), also reproduced in Anderson's *Diplomata*. The terms of these charters vary somewhat. In the first case the reddendo is 'Faciendo inde nobis et heredibus nostris dictus Rodericus et heredes sui predicti servitium unius navis viginti et sex remorum cum hominibus et victualibus pertinentibus ad eandem in exercitu nostro cum opus habuerimus et super hoc fuerint rationabiliter premoniti.' In the grant of Man the obligation runs: 'Inveniando inde nobis et heredibus nostris dictus Thomas et heredes sui sex naves annuatim quilibet [*sic*] viginti sex remorum cum hominibus et victualibus sex septimanarum cum inde fuerint rationabiliter premoniti'; besides giving personal attendance in Parliament and paying 100 merks sterling yearly. For the lands in Kintyre granted to James MacDunsleph the X 26 X 26

reddendo is: 'Faciendo nobis et heredibus nostris dictus Jacobus et heredes sui pro terris predictis forinsecum servitium unius navis viginti et sex remorum cum hominibus et victualibus pertinentibus ad eandem.'

The Lochow reddendo, however, is different from all the others. After granting the lands of Louchan and Ardscondiniche in free barony to be held as freely, etc., 'sicut aliqui barones nostri in Ergadia baronias suas de nobis tenent seu possident,' the charter proceeds: 'Inveniando nobis et heredibus nostris dictus Colinus et heredes sui pro dictis terris unam navim quadraginta remorum in servitio nostro cum omnibus pertinentiis suis et sufficientibus sumptibus ejusdem Colini et heredum suorum per quadraginta dies quoties fuerint premoniti et cum exercitum nostrum per terram habere voluerimus dictus Colinus et heredes sui facient forinsecum servitium pro dicta baronia sicut alii barones nostri fecerunt pro baroniis suis.'

In this case it would almost seem as if the provision of the galley were a new prestation, additional to the land service, in which the lands had previously been liable. Perhaps the explanation may be that the obligation of sea service lay only on lands which had a seaboard, and that the original barony of Lochow had little if any marine frontage, unless indeed Lochaw be regarded as equivalent to the sea.

The galley reddendo also appears in grants by David II. and later kings, such for instance as in charters, both dated in 1343, of 8 davachs and 5 pennylands of Glenelg to Malcolm Mac'Formod Macleod for a galley of 26 oars (Robertson's *Index*, 100.2.2), and of 4 davachs of Assynt to Torquil Macleod of the Lewis for a galley of 20 oars (*ibid.*, 100.2.4). And even as late as 1498, when Alexander Macleod of Dunvegan obtained a crown charter of various lands previously held by his family of the Lord of the Isles, the reddendo is one galley of 26 oars and two galleys of 16 oars each (*Reg. Mag. Sig.*).

It also appears in grants by subject superiors, e.g. in the charter of Glenorchy and certain islands in Lochaw, by Duncan Campbell of Lochow in 1432 to his son Colin, there is an obligation to provide a ship of 16 oars for the King and the Lord of Lochow (*Origines Parochiales Scotiæ*, II. i. p. 136). In 1463 John, Earl of Ross and Lord of the Isles, granted to his brother Celestine twenty-eight merklands of the lordship of Slete, the reddendo being: 'Servitium unius navis 18 remorum tam per mare quam per terras totiens quotiens opus fuerit necessarium contra et

adversus quoscunque mortales in guerra et in pace.' And in 1510 Duncan Campbell of Glenorchy granted to his son Archibald Campbell, afterwards of Glen Lyon, certain lands in Lorne for *inter alia* the service of a ship of 8 oars when required (*ibid.*, ii. i. p. 103).

Robert I. no doubt felt the need for strength by sea as well as by land. He was not likely to forget the galleys of Alexander of Argyll, or of his son John, who had even for a time commanded an English fleet. But though he may have desired to develop the sea-power of his kingdom by means of these charter obligations, it does not follow the burden was a new one. On the contrary, long before his time military service by sea was in vogue among the Celts of the West.

Dr. Skene (vol. iii. p. 235), founding on the Chronicles of the Picts and Scots, says that 'the Feachtamara or sea expedition of each tribe in Dalriada was attached to each twenty houses corresponding to the twenty penny lands which formed the davach in the West.' And in 1304 John of Strathbolgy, Earl of Athol, wrote to Edward I. that he had been informed by the Earl of Ross and the Bishop of Ross that Lochlan (probably a MacRuari) and his friends have ordered that each dawach of land shall furnish a galley of twenty oars (Bain, *Calendar of Documents*, ii. 1633). In all probability, too, the galleys of Alexander of Argyll and his son were part of the sea service due by those who held under them the great territories of their house. If further support is required for this view it seems to be afforded by a charter by David II. to Ranald MacRuari, in which the reddendo for Uist and other isles as well as Garmoran is 'faciendo tam per mare quam per terram servitia consueta' (*Act. Parl. Scot.*, vol. xii. p. 7).

It has already been suggested that the land service of the old Celtic kingdom furnished the basis of the legislation whereby Robert I. and other sovereigns sought to secure the safety of the realm. The same thing seems to hold good of the sea service now under consideration. For it alone seems to explain the terms of an Act passed in 1430, which enacts: 'It is statute and ordanit that al baronis and lordis hafand landis and lordschippis near the see in the west and on the north partis and namely fornent the ylis that thai haf galayis that is to say of ilk four merkis worth of lande are aire. And that is til understande of thaim that ar not feft of galayis before, for thai that ar infest of befor sal kep and uphalde the galayis that thai are infest of and haldyn to sustene be thare auld feftment. Ande at the said galayis be maid and

reparalyt be maii cum xii monethis under the payn of half a merk to be raisit to the kings use of ilk aire. Ande the landis and lordschippis quhatever thai be strekande endlang the cost syde and inwart in the lande vi myle sal contribute to the reparacioun and sustentacioun of the said galayis' (*Act. Parl. Scot.*, vol. ii. p. 19).

v

This *servitium Scoticanum* then, it is declared, shall be done by Gillascop MacGilerist, to whom the lands were granted for his homage and service in *Erregaythil*, 'sicut barones et milites nostri ex aquilonali parte Maris Scocie pro terris suis faciunt,' *i.e.* as our barons and knights north of the Scottish sea do for their lands. As already explained (*ante*, p. 123, note) the *Mare Scocie* is the Firth of Forth, and the country north thereof is the old Celtic kingdom of Scotia. Different views have been expressed as to the extent of that old Celtic kingdom, but it certainly varied from time to time. The great province of Moray, whose royal house once shared and finally contested the sovereignty of Scotland with the house of Atholl, was, even in the twelfth century, as distinct as Lothian or Galloway from Scotia proper. Alexander I. no doubt asserted his power over Moray, and David I. did so still more effectively. But even the latter, when granting an annual rent from the fairs of Elgin to the Priory of Urquhart, addressed his charter: 'Episcopis abbatibus comitibus vicecomitibus prepositis et omnibus probis hominibus tocius Muref' et Scocie' (*Reg. de Dunfermelyn*, p. 18), just as in another charter he greets, 'omnibus fidelibus suis tocius Scocie et Laudonie' (*ibid.*, p. 17). For long Moray was in the king's hands, and it was not until the War of Independence that it was content to be finally merged in Scotland and to fight under the banner of Randolph.

Ergadia was, in some ways, even more distinct from Scotia proper. Stretching from Kintyre to Lochbroom the country of the Oirir-Gael—Erregaythil—Argyll, included Dalriada, the original settlement of the Scots, as well as a great part of the territory of the Northern Picts. The northern part, Ergadia borealis, lying between Loch Duich and Loch Broom, seems to have belonged to the lay abbots of Applecross, and when Farquhar Mac-an-t-sagairt received from William the Lion the Earldom of Ross, originally created, it would seem, for Malcolm MacEth, who claimed to be of the blood royal of Moray, his ancestral territory became and remained part of the Comitatus. The central part of Ergadia was regarded as pertaining to Moray, for among other

gifts to the monks of Urchard by David I. are included 'decimam canī de Ergaithel de Muref et placitorum et totius lucri ejusdem Ergaithel'—a tenth of my royal revenue from Argyll pertaining to Moray, and of the pleas and whole profits of the said Argyll (*Regist. Morav.*, p. 329). Much later too it is included in the grant by Robert I. to Randolph of the Earldom of Moray discussed hereafter (*post*, p. 243). The southern part or Ergadia proper seems, along with Kintyre, to have been claimed by David as part of his realm, but to what extent his claim was effectual is another question. The great charter of Holyrood, granted between 1143 and 1147, contains a gift of 'medietatem mee decime de meo cano et de meis placitis et lucris de Kentyr et de Errogeil' (*Munimenta Sancte Crucis*, p. 6). And about the same time he gave to the Church of Dunfermline 'dimidiam partem decimi mei de Ergaithel et de Kentir'; but adds 'eo scilicet anno quo ego ipse recepero can'—in that year to wit when I myself shall have received can (*Reg. de Dunfermelyn*, p. 7). Both before and after his time the whole western mainland of Scotland was dominated by the Norse. For how long or how completely is uncertain; but one result, as appears from this very charter, was the introduction of the Norse territorial divisions for purposes of taxation; and by implication the Norse system of land tenure. Under Somerled there was a revival of the Celtic influence, but that prince was more concerned with building up his own power at the expense of the foreigner than with incorporating Argyll in the Scottish realm. In 1159 he came to some agreement with Malcolm the Maiden, by which, it would seem, that his position was acknowledged. And it may be assumed that, notwithstanding his death in 1164, Argyll remained practically independent of Scotland and Norway alike. Malcolm the Maiden repeats the very same qualification that was used by his grandfather with regard to the can of Kintyre and Argyll (*Reg. de Dunfermelyn*, p. 21), and though it was dropped from the Confirmation by William the Lion (*ibid.*, p. 30), the expedition of Alexander II. in 1222 was required to subject Argyll finally to the Scottish Crown, though the Isles remained Norwegian till after the battle of Largs. This expedition and its results are mentioned by Fordun and also by Wynton, whose lines correspond in the most curious way with the inference which one would draw from the facts now stated and from the terms of this charter. The king's object was to incorporate Argyll effectually in his realm, and consistently with that object he had no wish to exterminate the native chiefs or deprive them of their

possessions. In fact it was better for his purpose to obtain their allegiance and secure that they should hold their lands from him. The date of this charter is 1240, some eighteen years after the expedition of which Wynton tells. But, according to Hector Boece, there was a recrudescence of unrest in Argyll about 1239 under a certain Somarled, whom he calls erroneously a Son of the great Somarled, and it may be that it was in connection with these later troubles that the charter to Gillascop MacGilcrist was granted. The reference in that charter to the land held by his brother Ewen suggests strongly that he was not a stranger, and the discontinuity of the several lands seems to support the view that he was merely obtaining from the Crown a formal title to what he already possessed. It is thus natural that this grant should be expressly declared to be 'pro homagio et servitio suo in Erregaythil,' and that the reddendo should make it clear that the non-feudal services to be rendered were the same as those exigible from the barons and knights of Scotia with which Argyll was now finally incorporated. It seems probable that there was some formal settlement, of which the terms are now unknown. Of all the infamous acts of Edward I. none has left more irritating consequences than his malicious destruction of the Scottish records, for at every turn the student of history is hampered by the want of material which is known to have existed. In the catalogue of the writs taken from the Treasury on August 23, 1291, is an entry 'Charta baronum de Ergadia facta regi Scotiae,' which may well have been the concordat—resembling possibly what in later times was called a bond of man rent—between Alexander II. and the chiefs of Argyll (*Act. Parl. Scot.*, i. p. 3). There was also extant, in 1282 (*ibid.*, i. p. 3), a certain 'Littera baronum de Ergadia quod fideliter servient regi sub pena exheredacionis contra Anegus filium Dovenaldi quod omnes insurgent contra ipsum si non fecerit voluntatem regis,' from which it seems reasonable to infer (1) that while Angus Mor of the Isles, who was contemporary with Alexander III., had, after the battle of Largs, or rather the treaty of 1266, wholly ceased to be a vassal of Norway, he was by no means reconciled to the domination of the Scottish Crown, and (2) that the barons of Argyll generally had thrown in their lot with the Central power, in accordance with the settlement embodied, as is suggested, in the earlier writ.

The administration of this distant and largely inaccessible territory can have been no easy matter. North Argyll—Ergadia borealis—as we have seen, formed part of the Earldom of Ross.

The central portion, 'Ergadia quae pertinet ad Moraviam' (*Act. Parl. Scot.*, i. p. 372), was at this time in the king's hands. Argyll proper—'Ergadia quae pertinet ad Scotiam'—was in some way under the jurisdiction of the Earl of Atholl and the Abbot of Glendochart, while the Earl of Menteith was responsible for Kintyre and Cowal (*ibid.*, i. p. 603), arrangements which seem to have formed the basis of the three sheriffdoms of Skye, Lorne, and Kintyre, erected by Balliol in 1292 (*ibid.*, i. p. 447). Alexander II. naturally desired to bring Argyll into line with the rest of Scotland, and it is obvious that an assimilation of the tenure by which the local magnates held their lands from the Crown was a long step in that direction. Hence his formal introduction of the *Servitium Scoticanum* into Ergadia. Possibly, however, it was rather a revival, than an introduction, of a tenure that had prevailed before the Norse invasions, and had all along regulated the relations of the local chiefs and their followers, though it had ceased to regulate the relations of these chiefs and the Scottish Crown.

VI

The next question raised by this interesting writ is as to the meaning of '*barones et milites*.' It is, of course, necessary to lay aside the ideas with which the development of centuries has overlaid these terms, and to consider what they meant in the year 1240. Even Skene's definition can hardly be accepted as satisfactory, viz. : 'In this realme he is called ane baronne, quha haldis his landes immediatlie in chiefe of the King, and hes power of pit and gallows' (*De Verb. Signif. s.v. baro*). This, no doubt, was literally correct, as at the time when he wrote. But it does not follow that it was equally true of an earlier period. Even in the thirteenth century most barons probably were tenants *in capite* of the Crown. But there are many instances of persons being called barons who held of subject superiors. A well-known case is the group of local magnates dependent on Lovat termed 'the Bissets Barrones' (*The Wardlaw MS.*, p. 60). In later times the barons of the Isles were Macdonalds, Macleans, Macquarries, Macneils, and so on, every one of whom held his lands of the Lord of the Isles; while many vassals of the House of Argyll were undoubtedly regarded as barons, including the heads of important Campbell families. The true definition of a baron, it is suggested, is that given by Sir George Mackenzie, viz. 'a baron properly is he who is infest with power of pit and gallows, *fossa et furca*'

(*Criminal Law*, p. 417). In this view the barons of Ergadia who formed the assize at Inverleacan on 25th August 1355 (*vide* No. ix. *ante*, p. 139) were obviously the local landowners, who had this *potestas gladii*, or *imperium merum*, as Craig calls it (*Jus Feudale*, pp. 105-16). And similarly the barons benorth the Scots Water were just the landowners—probably, but not necessarily, holding directly of the Crown—who had this jurisdiction over the population on their lands.

It will be noticed also that in this very charter, although the phrase *in liberam baroniam* does not occur, the lands are granted to Gillascop Macgilcrist *cum furca et fossa*.

An application of the same test seems to settle the meaning of the word *miles*. Originally, of course, merely a soldier, it came ultimately to be the equivalent of knight; but, in the technical sense, it here means neither the one nor the other. ‘*Milites*,’ says Skene *sub voce*, ‘according to “Leg. Malc. Mak,” c. 2, and generallie in the auld lawes of this realm, are called free halders, huldand their lands of barons in chief, quha hes na power to hold courts of life and limb, but onely of injuries, wrang, and unlaw.’ So far, too, as fines were concerned they could exact only half of the amerciament competent in the barons’ court (*Act. Parl. Scot.*, i. p. 711). Those holding of those knights ‘*Vocantur subvassores*’ and the jurisdiction of their courts was still further restricted. In the earliest charter of Dundas (*circa* 1160), reproduced in Anderson’s *Diplomata*, Waldeve the granter declares that Helias shall hold the lands ‘*tam quiete tam libere et tam honorifice ut nullus miles de barone tenet liberius et quietius et honorificentius in tota terra Regis Scotiae*’ (*Act. Parl. Scot.*, i. p. 92). And about the same time Walter FitzAlan the Steward declared in a charter of Tarbolton that it should be held ‘*ita libere et quiete et honorifice sicut aliquis miles de me vel de aliquo Barone in terra regni Scotiae tenet et possidet*’ (*The Lennox*, vol. ii. p. 1).

In *The Chartulary of Lindores Abbey* (*Scot. Hist. Soc.*, vol. xlii.) there are various instances of persons being designed by a subject as ‘my Knight.’ Notably a charter by William of Brechin has as its witnesses David de Lochore and a number of others described by the granter as ‘*militibus meis*.’ With regard to this Bishop Dowden cites with approval (p. lxxvi.) a suggestion made in a note to the Preface to the Melrose Chartulary (p. xi.) ‘that this form of expression was used of those who discharged the military service due from their lord’s land.’ The note, however, concludes with the words, ‘it is more difficult to account for the style of *Miles Regis*

which so frequently occurs in old charters.' It has also been suggested, in one instance, that *Miles* implied the ownership of 'a Knight's fee, which means about 600 acres' (*Charters of Inchaffray Abbey*, p. lxxxix), a suggestion that brings one up afresh against the misdeeds of Edward I., for among the records which he destroyed was a 'Rotulus de feodis militum continens iii. pecias' (*Act. Parl. Scot.*, vol. i. p. 118).

It is, however, difficult to accept Skene's definition as applicable to the thirteenth century, so far as it implies that the *miles* was necessarily the sub-feuar of a baron. In the Memorandum, already mentioned, dealing with the fines of those who absented themselves from the army of Alexander II. a reference is made to those 'de terris episcoporum abbatum baronum militum et thanorum qui de rege tenent.' And in royal charters there is frequent mention of *militēs nostri*. It seems plain, therefore, that while the *miles*, like every other able-bodied layman in 1240, was a soldier, he might or might not be what we call a Knight, or the owner of a Knight's fee. He was the owner, as opposed to the tenant, of lands. He might hold these either from the Crown or from a subject, and what distinguished him from a baron was the different and lower jurisdiction which he possessed.

VII

The views expressed above appear to receive confirmation on various points from the terms of the grant to Randolph of the earldom of Moray (*Regist. Morav.*, p. 342; *Reg. Mag. Sig.*, vol. 1306-1424, App. I. No. 31). But instead of referring to this at the different places it seemed more convenient to deal with it as a whole.

By that charter, dated at Berwick, December 20, and 19th year of his reign, King Robert I. conferred upon his nephew Thomas Randolph, the comitatus of Moray. Its bounds are thus described: 'incipiendo videlicet ad aquam de Spee sicut cadit in mare et sic ascendendo per eandem aquam includendo terras de Fouchabre Rothenayke Rothays et de Bocharme per suas rectas metas et divisas cum suis pertinentiis et sic ascendendo per dictam aquam de Spee usque ad marchias de Badenache et sic includendo omnes terras de Badenache de Kyncardene et de Glencarny cum pertinentiis per suas rectas metas et divisas et sic sequendo marchiam de Badenache usque marchiam de Lochabre et sic includendo terras de Lochabre de Mamore

de Locharkeche de Glengarech et de Glennelgis cum pertinentiis per suas rectas metas et divisas et sic sequendo marchiam de Glennelge usque ad mare versus occidentem et sic per mare usque ad marchias borealis Ergadie que est comitis de Ros et sic per marchias illas usque ad marchias Rossie et sic per marchias Rossie quousque perveniatur ad aquam de Forne et sic per aquam de Forne quousque perveniatur ad mare orientale.' This grant, it will be seen, included both Moravia proper and also a considerable slice of Ergadia—referred to in older writs as Ergadia *quae pertinet ad Moraviam*. The description also makes clear that in 1324 Ergadia borealis belonged to the Earl of Ross.

The great territory thus conferred on Randolph had for long been in the hands of the Crown, and included, it would seem, both property lands and also lands granted out to barons and freeholders. It was all granted to Randolph to be held *in libero comitatu ac in libera regalitate*, and all burghs—excepting Inverness—barons and freeholders were in future to hold of the Earl instead of immediately of the king. Otherwise their whole rights and privileges—and specially their jurisdictions—were expressly reserved. It thus appears (*first*) that the interjection of a mid-superior was not at that date *ultra vires* of the Crown; (*second*) that a baron was not necessarily a tenant *in capite* of the Crown, but might hold of an earl and lord of regality, and so the law remained until 1400 (*Act. Parl. Scot.*, i. pp 575-6); and (*third*) that there were tenants *in capite* who were not barons, to wit the *libere tenentes*, freeholders, or *milites* already discussed.

Another point of interest to the present inquiry is this. From his general grant to Randolph of the fealty and homage of all who had previously been tenants *in capite*, the king reserves those of the whole prelates of the church of Moray—excepting 'quod homines eorundum citati per nos ad defensionem regni nostri intendant vexillo et sequi teneantur vexillum dicti Thome comitis et heredum suorum predictorum una cum aliis qui vexillum Moravie sequi solebant antiquitus.' In substance, though the churchmen were not placed under the earl their men were to follow his banner along with others who had from of old been used to follow the vexillum Moravie, whensoever they were summoned by the king for the defence of the realm—that is to say, that the servitium Scoticanum due in respect of the church lands was hereafter to be rendered under the leadership of Randolph and his successors, whose banner was now to be regarded as the banner of the province. This seems not unlike the provi-

sions noted previously in, *e.g.*, the charters of Tulibardyn and Dalrewach, and dealt with by Bracton (*ante*, p. 230).

The converse of this process might of course take place when a subject superior was dropped out of the feudal chain. In such a case the sub-vassal became a tenant in chief of the Crown, which thus became entitled to the prestations stipulated in the grant in addition to the *servitium forinsecum* previously due to the king as such. Though the practical distinction disappeared the name might still remain. Instances of *servitium forinsecum* appearing in the reddendo of a Crown grant have already been noted (*ante*, p. 229). But the suggestion now offered may, perhaps, explain even such a reddendo as that in the charter by Robert I. to James de Cunyngham of Hassingden, which runs: 'Reddendo . . . undecim libras sterlingorum ad terminos Pentecostes et Sancti Martini in yeme pro equali porcione et faciendo forinsecum servicium dimidii militis et sectam ad curiam nostram de Jedaworthe' (*Reg. Mag. Sig.*, vol. 1306-1424, No. 13).

The Moray reddendo is: 'Faciendo nobis et heredibus nostris dictus Thomas et heredes sui predicti pro dicto comitatu *servitium octo militum in exercitu nostro et Scoticanum servitium et auxilium de singulis davatis debitum et consuetum tantum modo, sine secta curie ad quamque curiam nostram facienda.*' This, it will be observed, is clear evidence that even in the fourteenth century the davach was the land unit in respect of which the *Servitium Scoticanum* was due.

DOCUMENTS RELATING TO THE MASSACRE
AT DUNAVERTIE

DOCUMENTS RELATING TO THE MASSACRE AT DUNAVERTIE

THE originals of the two documents that follow are in the possession of the Duke of Argyll, who has kindly allowed their publication by the Society.

They relate to, and throw some fresh light on, one of the most disgraceful incidents in Scots history. And, though the main facts of the story are possibly known in outline to many, a short account of the whole circumstances may not be unwelcome.

In May 1647 Montrose's well-known lieutenant, Sir Alexander Macdonald, the son of Colla Ciotach Macdonald—in Gaelic, Alastair Mac Coll Ciotach¹—left a garrison of some 500² men in Dunavertie Castle in Kintyre, which was besieged by the Covenanters under David Leslie, afterwards Lord Newark. According to Sir James Turner,³ who was Leslie's Adjutant-General, after some fighting 'inexorable thirst made them desire a parley. I was ordered to speak with them. Neither could the Lieutenant-General be movd to grant any other conditions then that they sould yeeld on discretion or mercy; and it seemed strange to me to heare the Lieutenant-General's nice distinction that they sould yeeld themselves to the kingdomes mercy and not to his.⁴ At length they did so, and after they were comd out of the Castle they were put to the suord everie mothers sonne except one young man Mackoull, whose life I begd to be sent to France with a hundreth cuntry fellows whom we had smoaked out of a cave as they doe foxes, who were given to Captain Campbell, the Chancellors brother' (*Sir James Turner's Memoirs*, p. 46).

The fact of the massacre therefore cannot be disputed, but

¹ Dr. J. Hill Burton calls him Macdonald *of Colkitto!* (vol. vi. p. 369).

² *Act. Parl. Scot.*, vol. vii. p. 338.

³ Turner, a soldier of fortune like Leslie, was the original of Dugald Dalgetty.

⁴ No wonder that the plain soldier was surprised. But this tricky way of dealing with surrendering prisoners was characteristic of Leslie and his employers (*vide* what Dr. Gardiner terms their 'vile equivocation,' *post*, p. 251).

there is a controversy as to the circumstances. In Bishop Guthry's *Memoirs*, p. 243, it is distinctly said that the garrison had been promised quarter, 'But having surrendered their arms the Marquis [of Argyll] and a bloody preacher, Mr. John Nevoy, prevailed with him to break his word, and so the army was let loose upon them and killed them all without mercy, whereat David Lesley seemed to have some inward check. For while the Marquis and he with Mr. Nevoy were walking over the ancles in blood he turned about and said, "Now, Mr. John, have you not once gotten your fill of blood?"'

In an Appendix to his *Memoirs*, p. 237, Turner, who had seen the bishop's MS., and seems to have felt that his own honour was involved, contradicts certain of its statements. In particular he denies (1) that there was a promise of quarter, and (2) that Leslie, Argyll, and Nevoy walked over the ankles in blood. An ingenious argument with regard to this latter point is also submitted in his *Life of the Marquess of Argyll*, by the Rev. Dr. Willcock, who says (p. 204, note): 'As a mere matter of fact there was probably but little blood on the ground if the local tradition be correct that most of the prisoners were killed by being thrown over the cliffs into the sea.'

Be this as it may, two questions still remain: Was quarter promised? and, Who was responsible for the butchery?

Even if it be true that Leslie attempted to salve such conscience as he had by the 'nice distinction' which surprised Turner, it is extremely probable that his victims were misled by his quibbling. For otherwise it is unlikely that they would have surrendered. And the fact that they were induced to believe that quarter had been promised seems established by the decree in an action raised after the Restoration against Argyll, Ardkinglass, and others said to have been concerned in the massacre, at the instance of Sir John Fletcher, the King's Advocate, John M'Dougall of Donnollie, Alane M'Dougall of Raræ, Dougall M'Dougall of Donnach, and John M'Dougall of Dagnish. After narrating that Sir James Lamont had been commissioned to raise troops in the King's service the decree proceeds: 'The said John M'Dougall of Donnollie and the deceast Alexander M'Dougall, his father, having risen in arms with all their followers to the number of 500 men of their friends kinred and tennents and joyned themselves to the said Sir James Lawmont during the war in the said years, and being still in his Majesty's most royall father his service Wer invaded by the said Defenders and particularlie be the said deceast

Archibald Campbell, late Marquess of Argyll, and David Leslie and these in armes with them, and pursued to the fort of Dunavertie in Kintyre, which not being able to hold out Ther being ane message sent into these within the fort that if they did not come forth again ten hours the next day they should not have quarters, and if they came out they should have quarters. And the said Johne M'dougall being within the fort with his friends, who having punctually as wes desired at the verie hour of the day com forth and rendered themselves they wer all be the instigation of the deceast Archibald Campbell, late Marquess of Argyll, to the number of fyve hundredth men, officers and souldiers, cruellie and inhumanelie butchered in cold blood (The said John M'Dougall being then a child and in nonage wes only spared).¹

From this decree it is clear that at that time it was believed that quarter had been promised, and the minutely detailed statement of the circumstances seems to show that belief to have been well founded, and this will be confirmed a little later when Leslie's record has been considered. Turning for the moment to the next question—who was responsible for this butchery?—Bishop Guthry alleges that Argyll was responsible, and so also does the decree above quoted. In view of the wholesale murder of the Lamonts by the Campbells in June 1646, it is easy to believe that Argyll, whose own people had suffered so much at the hands of Alastair Macdonald,² may have been pleased with the killing of the prisoners, and may even have done his best to bring it about. And his instigation of the massacre was actually one of the charges brought against him, not only in the action already referred to, but also in his trial for treason.³ But Turner, who was a witness in that trial, after saying that there was no evidence against him, goes on to give his account of what really happened: 'Mr. John Nave (who was appointed by the Commission of the Kirke to waite on him (Leslie) as his chaplaine) never ceased to tempt him to that bloodshed, yea and threatened him with the curses befell Saül for sparing the Amalekites, for with them his theologie taught him to compare the Dunavertie men.' And in the Appendix, p. 240, he is even more emphatic: 'It is true

¹ *Act. Parl. Scot.*, vol. vii. p. 337.

² The traditional account of this bloodshed and devastation is given in *Adventures in Legend*, by the Marquis of Lorne, K.T.

³ Cobbett's *State Trials*, vol. v. col. 1409.

David Leslie hath confessed it afterwards to severalls and to myselve in particular oftener than once that he had spared them all if that Nevoy put on by Argile had not both by preachings and imprecations instead of prayers led him to commit that butchery' (Turner's *Memoirs*, p. 46).

Even Leslie, it thus appears, though insinuating that Argyll had stirred up Nevoy, does not venture to say that he ever tried to influence him directly in the matter. It is plain that Turner, as a soldier of fortune, is chiefly anxious to clear Leslie from the charge of having broken his promise of quarter, and his testimony must be taken into consideration. Unfortunately, however, for Leslie such treachery is entirely consistent with his previous record. After Philiphaugh, according to Dr. S. R. Gardiner, there 'ensued a butchery more horrible than any that had followed upon any of Montrose's victories. The wild clansmen of the north had contented themselves with taking vengeance upon men. The trained and disciplined soldiers of the Covenant slaughtered with hideous barbarity not only the male camp followers but 300 Irishwomen, the wives of these slain or captured enemies, together with their infant children. To the Scotchman every Irish man or woman was but a noxious beast. It soon repented the conquerors that they had spared the lives of fifty soldiers. The churchmen and the noblemen remonstrated warmly against the act of clemency. Quarter, it was said, by a vile equivocation, had been granted to Stuart alone and not to his men. As the triumphant army passed through Linlithgow, Leslie weakly gave way and stained his honour by abandoning his prisoners. The soldiers were bidden to fall on, and they did as they were bidden' (*History of the Great Civil War*, ii. p. 337).

This statement, it is right to say, has been criticised adversely by the Rev. Professor Mitchell in his introduction to vol. i. of the *Records of the Commission of the General Assembly* (Scot. Hist. Soc., First Series, vol. xi.). After preparing the way by quoting (p. xvi.) from Hill Burton some abuse of Celts generally, supplemented by some observations of his own, he cites a statement by Wharton that Sir James Hacket had told him that the Covenanting forces at Philiphaugh 'Killed and took prisoners twelve hundred of their foot, and had *put* ALL the Irish to the sword.' Therefore, he argues, 'Leslie could not have bid his soldiers fall on them at Linlithgow, for the very plain reason that they had done so at Philiphaugh.' Unfortunately for this very plain reason Professor Mitchell has failed to remember that, under

date Tuesday, 23rd December 1645, Balfour records the following resolution of Parliament.¹ 'The housse ordanes the Irische prisoners taken AT and after Philiphaughe in all the prissons of Selkirke, Jedburghe, Glasgow, Dunbartane, and Perth, to be execut without aney assyse or processe conforme to the trettey betwix both Kingdomes, past in acte' (*Annales of Scotland*, vol. iii. p. 341).²

Further light is also thrown on Leslie's character by a significant admission by Turner himself. After the fall of Dunavertie, Turner tells how the Covenanters attacked Dunyveg in Isla, where old Coll Ciotach was in command. And this is what he says occurred: 'Before we were masters of Dunneveg the old man Coll, comeing fulishlie out of the house where he was Governour on some parole or other to speak with his old friend the Captaine of Dunstaffnage Castle, was surprised and made prisoner *not without some staine to the Licutenant-Generall's honour.*'

So much then for any arguments based on the character of David Leslie as a man of honour. But while Leslie must ever bear the shame of his cowardly weakness and his broken word, the true bloodguiltiness rests on the Reverend John Nevoy and on the Kirk whose official representative he was.

A nephew of the Reverend Andrew Cant, and referred to with much appreciation in the *Letters of Samuel Rutherford*, Nevoy has most properly been held up to continuous execration.³ But though more notorious it does not follow that he was in reality worse than many of his neighbours, most of whom are fortunate in this, that their individual activities are not so clearly identified. Some exceptions, indeed, there are, such as the Reverend Colin Maclachlan, who took a leading part in the butchery of the Lamonts, and the Reverend David Dickson, whose ghoulish epinicion, 'the work goes bonnily on,' passed into a proverb.⁴

It must be remembered, too, that Nevoy was no obscure fanatic, but, like Dickson, one of the leaders of the Kirk (*vide* Professor Mitchell's *General Assembly Commission Records*, *passim*), and had been specially appointed by the Kirk to the Army (*ibid.*,

¹ At that time practically under the domination of Johnston of Wariston.

² In his Introduction to vol. ii. of the *General Assembly Commission Records*, Professor Mitchell writes with approval even of Neil Macleod of Assynt, and takes the trouble to state an excuse for his betrayal of Montrose, which Macleod himself had too much sense to put forward, and is contradicted by the defence he actually made! (*Scot. Hist. Soc.*, First Series, vol. xxv. p. xxv.).

³ There is one exception. He is honoured with a notice in the *Dictionary of National Biography*, in which Dunavertie is not even mentioned.

⁴ See Bishop Guthry's *Memoirs*, p. 208.

vol. i. pp. 205, 272). The leaders of the Kirk at that time were, however, very different from the Knoxian Reformers. There were, of course, very many moderate men who cared more for the essentials of the Christian faith than for any special theological scheme or any particular form of Church government. But the theocratic theories of Andrew Melville and his associates had produced another and very unpleasant type. In the view of such men they and their followers were predestined from all eternity to be the Saints of God. All others were rebels against the Almighty,¹ and their extermination was the pleasant duty of the chosen people.² Incidentally they claimed to have the power of the Keys and the right to make the lot of their opponents intolerable, not only in this life but also in that which is to come.³ Such a view of the universe, it is true, was not original—it was also wanting in perspective—and the scriptural language employed by its exponents sounds somewhat blasphemous to modern ears. It is not necessary to dispute their sincerity. But the difference between an honest fanatic and a criminal lunatic is difficult to define and is of little interest to the victim.⁴

¹ Their ideas of the Almighty suggest 'The good German God' of Professor Harnack and the German Emperor.

² According to their official Manual one of the sins forbidden by the Second Commandment was the toleration of any false religion (*The Longer Catechism*. Answer to Question 109).

³ How seriously they looked upon themselves may be inferred from their formal excommunication of Alastair MacCòil Ciotach (*General Assembly Commission Records*, vol. i. p. 20). Though the civil consequences of excommunication were abolished by the Act 1690, cap. 28, the ecclesiastical procedure continued till comparatively recent times. As late as 1805 the Presbytery of Tain excommunicated for contumacy a lady living in the parish of Nigg, who declined to appear before them on the ground that she belonged to the Church of England. The sentence was published from the pulpit of every parish church in the Presbytery. The form used by the parish minister of Nigg was, 'Wherefore the Presbytery, in the name of the Lord Jesus Christ, the sole King and Head of His Church, and by the power committed by Him to them, did and hereby do summarily excommunicate Anne Taylor, residing at Castle Craig, in the parish of Nigg, delivering her over to Satan for the destruction of the flesh that the spirit may be saved in the day of the Lord, and the Presbytery did, and hereby do, enjoin all the faithful to shun all unnecessary dealings with her as they would not be found to harden her in her sin, and so to partake with her in her judgments' (*Church Life in Ross and Sutherland*, by the Rev. Colin Macnaughton, p. 310). In 1835 a similar fate befell John Ross for having 'received baptism to his child from a minister of the Scotch Episcopal Church' (*ibid.*, p. 252).

⁴ A long statement of their position is contained in the 'Interloquitor of Parliament' of January 10, 1646, against certain prisoners of war, who, being

As often happens, it was this noisy and violent minority who obtained control, partly driving and partly led by Archibald Johnston of Wariston, on whose true character a recent volume issued by the Society has thrown some fresh light.¹ For a time their excesses were curbed by the strong hand of Cromwell,² but after the Restoration they again attempted to assert themselves, and the repressive measures which any civilised government—and not merely the disreputable ministers of Charles II.—would have had to take against them are still often represented as the religious persecution of inoffensive and amiable men, who wished merely to conduct public worship without a liturgy or the assistance of instrumental music!³

That it was to such exotic theories, and not to any innate savagery of the Scottish nature, that the atrocities of the Covenanters were due seems plain from what occurred at the Restoration. In spite of all that had happened only three of the Covenanting leaders were executed. The Reverend James Guthrie,⁴ who had behaved with intolerable insolence in his prosperity, was hanged. Argyll, who would, probably, have been left alone if he had stayed quietly

indicted for treason, pleaded that they had surrendered on promise of quarter. From this, one instructive sentence may be quoted. 'If this defence of quarters be sustained then the whole nation especially the estates of Parliament does violat the oathe of ye Covenant and the oathe of the Parliament anent the prosecuting and censuring of malignants opposers of the Covenant' (*Act. Parl. Scot.*, vol. vi. pt. i. p. 509). It was thus a sin to give quarter, and if quarter had been promised it was sinful to keep that promise.

¹ For older evidence of his dishonesty and treachery *vide* Balfour, *Annals*, vol. iii. p. 427; vol. iv. p. 249. See also *Cromwell's Scotch Campaigns*, by W. S. Douglas, pp. 238 *et seq.* and notes.

² See, *e.g.*, *Scotland and the Commonwealth*, passim, Scot. Hist. Soc., First Series, vol. xviii. While preventing the Perth ministers from meddling in politics, 'The Governour said hee would give them leave to preach the gospels of Jesus Christ, but it seemes that is not their businesse,' *ibid.* p. 7. In the appendix, *ibid.*, pp. 348 *et seq.*, will be found some illuminating papers relating to an appeal to Monk, by Irving of Drum, against his persecution by the Presbytery of Aberdeen.

³ Historical investigation has in recent years produced a notable change in the popular beliefs. Claverhouse no doubt is still the subject of considerable abuse. But his admirers may be cheered to know that as late as 1829, in writing a note to his edition of Wodrow's *History* (vol. i. p. 196), the Reverend Robert Burns, D.D., F.A.S.E., Minister of St. George's, Paisley, apparently thought it neither absurd nor indecent to refer to 'that infamous ruffian but eminent loyalist James Graham, Marquis of Montrose'!!

⁴ Guthrie was one of the ministers who, with the celebrated Major Weir, so offensively disturbed the last hours of Montrose.

at Inveraray and, almost certainly, have escaped condemnation but for the treachery of Monk, was beheaded, meeting his fate with the dignity of a great noble.¹ A little later Wariston, caught in France, was hanged after vainly shamming madness and whining for mercy.² It is well, moreover, to remember that in none of these cases was the execution attended by the hideous brutalities that were perpetrated on the dead body of Montrose. With regard to other prominent offenders, even Nevoy was only banished from the kingdom, while Dickson, though he refused to take the oath of supremacy, was merely turned out of his professor's chair.

Attempts have been made to extenuate the Dunavertie massacre by representing that the victims were mere Irish savages, and that it was the custom of the Covenanters and their English allies to treat them as noxious vermin. These apologies, however, are slightly irrelevant. For whatever may have been the merits or demerits of the Irish race, and whatever may have been the practice of Nevoy and his colleagues, the victims contained in the list that follows were not Irish—but Scots. And the Duke of Argyll, to whose unequalled knowledge of such matters the Editor is so often indebted, has kindly dealt with their identity and with other points in the notes.

I. — THE NAMES OF THE MEN WHO WERE MURDERED AT DUNAVERTIE IN KINTYRE AND SEVERALL OTHERS NOT TO BE REMEMBERED OF IN 1646 OR 1647

Column 1

Duncane M'Dougall brother Alister M'Dougall cousing
to the Laird of M'Dougall. germane to the said Laird.
Allane M'Dougall his brother. Iain M'Dougall his brother.

¹ Sir George Mackenzie's *Memoirs*, pp. 40-47.

² Burnet's *History of his Own Time*: Edin. 1818, vol. i. p. 225; *Lauderdale Papers*, Camden Society, vol. i. pp. 145-155; Sir George Mackenzie's *Memoirs*, p. 134. There is perhaps something to say for the view that though of considerable intellectual power in certain directions, Wariston was not entirely sane. On scientific grounds, therefore, it may be permissible to regret that he was hanged instead of being placed in confinement, and afforded an opportunity of anticipating the literary achievements of the Marquis de Sade.

Column 1

Sorlle M'Dougall brother to the said Iain.	Iain M'allane v ^c Conochie alias M'Dougall.
Iain M'Dougall nephew to the Laird of Raray.	Dougall M'Dougall v ^c ewin alias M'Dougall.
Dougall M'Dougall of Ardmoir.	Dougall M'Ewine v ^c eun v ^c ewin alias M'Dougall.
Iain M'Dougall of Degnishe.	Iain M'eun v ^c ewin alias M'Dougall.
Allane Roy alias M'Dougall.	Iain M'alister v ^c ewin alias M'Dougall.
Sorlle M'conochie alias M'Dougall.	Allane M'alister v ^c ewine alias M'Dougall.
Allane M'cin v ^c coll alias M'Dougall.	Dougall M'cin dui alias M'Dougall.
Alexander sone to Hew M'Dougall.	Duncane M'cin dui alias M'Dougall.
Allane M'Sorlle alias M'Dougall.	Iain M'cin dui alias M'Dougall.
Allane M'allane dui alias M'Dougall.	Duncan M'conochie oig alias M'Dougall.
Alexander M'ewne alias M'Dougall.	Dougall M'Ranald alias M'Dougall.
Sorlle roy alias M'Dougall.	Iain M'doull v ^c allane alias M'Dougall.
Dougall M'Ewine v ^c Ewine alias M'Dougall.	Alister M'ewin v ^c duill alias M'Dougall.
Iain M'eine v ^c ewine alias M'Dougall.	Alister M'ewin v ^c alister alias M'Dougall.
Dougall M'Ewine oig alias M'Dougall.	Alexander M'ewine v ^c alister alias M'Dougall (sic bis).
Alexander M'Ewine oig alias M'Dougall.	Iain M'coll v ^c ewine alias M'Dougall.
Dougall Ewine v ^c ein alias M'Dougall.	Dougall M'Sorll v ^c conochie alias M'Dougall.
Angus M'Ewin v ^c ein alias M'Dougall.	Dougall M'Sorll alias m'Dougall.
Sorll M'ewin v ^c ein alias M'Dougall.	Dougall M'conochie v ^c duill alias M'Dougall.
Sorll M'Sorll alias M'Dougall.	
Dougall M'duill v ^c ewin alias M'Dougall.	

Column 1

Dougall M'dougall v ^c ilveoil alias M'Dougall.	Sorll M'Dougall his brother. Lauchlane M'ilveoil alias M'Dougall.
Iain M'Dougall his brother.	
Coll M'Dougall v ^c Coll alias M'Dougall.	

Column 2

Iain M'cin v ^c ein dui alias M'onlea.	Iain M'cluglashe. Iain M'Innes v ^c conochie roy alias murrich.
Dunsla M'cin v ^c onlea.	Finlay M'Glassane.
Iain M'onlea his brother.	Iain M'Glassane his sone.
Gilchrist M'ilhoan.	Fergus M'Glassane.
Duncane M'culloch.	Ewne M'Glassane.
Iain M'murardich.	Iain M'Glassane.
Donald M'callum.	Lauchlane M'Glassane.
Donald M'conochie v ^c William.	Iain M'Vrion. Donald M'Vrion.
Callum M'callum.	Iain M'Malcallum alias M'Intyr.
Fergus M'callum (or M'Callan ?).	Donald M'conochie v ^c noill alias M'onlea.
Gilpatrick M'Keoick.	Iain M'Gillespick alias M'Intyre.
Iain M'Keoick his brother.	Iain M'conachie alias M'Keith.
Donald M'ilhoen.	Iain M'Mertine.
Iain M'ilhoen.	Donald M'Gibboun.
Iain M'Keith.	Iain M'Kearrick.
Donald M'Keith his brother.	Iain M'donochie v ^c Kenouch alias M'Innes.
<u>Murdoch roy M'Murrich.</u>	Ewin M'conochie v ^c William. ¹
Iain M'duill v ^c Kemlach.	
Iain M'phatrick.	
Donald M'illchonnell.	
Archibald M'illchonnell his brother.	
Iain M'Callum v ^c Ral- dounoch.	

¹ 'No less than 49 MacDougalls are given in the first column, and 41 of various other names (who presumably depended upon them) are all given in the other column, making a total of 90.

'The first column undoubtedly represents the blood relations of the Old House

II. — TESTIFICATE BY SIR JAMES TURNER IN
FAVOUR OF COLEIN M'EACHARNE, 4 JULY
1662

This curious document was executed in duplicate, and the original in the Argyll charter chest from which it is printed is endorsed 'Dowble of the testificat Sr James turner in favors of Coline M'Eacharne 1662.' It will be noticed that the name of Angus M'Eacharin does not appear in the list in the preceding pages.

The Marquess of Argyll had been forfeited in 1661, and his son, the ninth Earl, was not restored until 1663. Turner's declaration was therefore taken during the forfeiture, probably to secure for the MacEacharne family the writs that had been entrusted to the Marquess for safe keeping. Incidentally, and therefore most effectively, it negatives any suggestion that the butchery may have been done in hot blood immediately on the surrender; and it also shows that Argyll was regarded as a friend at least by Angus M'Eacharin. It therefore seems fully to support the views already expressed as to the guilt of Leslie and the Reverend John Nevoy.

That the lands of Angus M'Eacharin had already been restored to his eldest son appears from the deed mentioned in the note below.

of Lorne sprung from the Race of Dougall, son of Somerled. It adds valuable details to the Pedigree of the Clan.

'Of the surnames appearing in the second column the M'onleas were originally M'Dunleas; the D disappears through euphonistic elision in Gaelic, and there is little doubt that their eponymic ancestor was Dunsleve, the son of Aedh Alain, who through his son Suibhne or Swene was also ancestor of the MacSuibhnes or M'Ewens, the Ancient Lords of Otter in Cowall, Argyll, and of Castle Sween in Knapdale.

'The M'ilchomghains, or M'Ilchoen as they here are called, were an ancient race of untraced origin; the name means Son of the Servant of S. Comgan, and they have now in the Highlands anglicised their name to the form COWAN. Three generations of them are commemorated on the Market Cross of Inveraray, which must have been brought from somewhere in Lorne, or wherever this race were really natives of, as I have not found signs of them about Inveraray itself. On the Cross they are called M'Eichgyllichomghan.

'It must be remembered that this list is not complete, as it is known that 500 were killed according to *Acta Parl. Scot.*, vol. vii. p. 338, though Sir James Turner, perhaps to lessen his own guilt in being a participant, asserts 300 fell. Further lists containing the MacDonalds will perhaps one day be found, as none of them appear to be in this one now printed, which apparently, as has been shown, only deals with the losses of the MacDougalls and their followers.—A.'

I Sir James Turnor Knight Be thir pñtis Testifies and declaires That in the zeir of God j^mv^jc^e fourtie sevin I being generall agitant to Sir David Leslies forces in the north west Hielands of Scotland And speciallic at the intaking of the hous of Duavarty Ther wes ane gentleman within the said hous named Angus M'Eacharin of Killelan ¹ wha wes taken prissoner and thereafter killed Quha beffor his being layed hold on He presentlie at the randering of the said hous did delyver to me within the samyne ane Litell reid box full of writtis and evidentis belonging to himself Quhilk he did earnestlie requeist me to delyver to the laitt Marques of Argyll for to be preservit for himself and his childrens use In regaird he wes at that tyme uncertane whidder he sould be killed or sent over seas Quhilks writtis I resaved of his hand and did accordinglic delyver to the said Lait Marques to be preservit for the use of the said Angus and his childreines According to the said Angus his earnest requeist and desyre.²

¹ 'A very ancient family at this place. To a priest of this race the Campbeltown High Cross was erected (vide *Orig. Paroch.*).—A.'

² 'Disposition, dated at Inveraray 21 Novr. 1659, by Archibald, Marquess of Argyll, of his own good will and favour, in favour of Colein Makeacharne, eldest lawful son to umquhill Angus Makeacharne of Killeallane, of the 2 merk land of Killeallane, 2 merk land of Pennygowine, 2 merk land of Over Gartloiskane, 2 merk land of Ererick, 1 merk land of Glenramskill beig with the Mill of Killeallane multures and sequels, with teinds in paroch of Killcherane, in the Lordship of Kintyre and Sheriffdom of Argyll, which the said Colein Makeacharne acknowledges to be a very singular favour, and therefore overgives any right therein his umquhill father or any of his predecessors had. Minerals are reserved, and only Colein Makeacharne's own corn is to be ground at his said mill of Killeallane. To be holden of the said Marquess of Argyll in feu farm for the yearly payment at Martinmas of 160 merks 4 bolls multure meall, and presents, viz., 2 gallins of butter, 2 veals, 2 lambs, 4 wedders, 8 poultry, 4 dozen eggs, at the usual terms of payment, together with ariage carriage and other services as the rest of the Lordship of Kintyre possess be heighlanders does or shal do—the entry being as from Whitsunday last. The witnesses are Duncan Campbell, chalmerian depitt of Kintyr, George Campbell, sheriff-depute of Argyll, Hew M'Neill, his servitor, the writer hereof, and it is signed "Argyll" and "Co. Macharn."

'I always thought we had restored them to their old lands, and this disposition found to-day [19-8-15] proves it. I think some of the family are still tenants in Kintyre. They were there all through the eighteenth and nineteenth centuries.—A.'

Subseryvit with my hand at Edinburgh the 4 July
1662. Beffor thir witnesses. Niniane Nicoll wrytter in
Edr. wrytter heir of & Robert Harrall my Serviter

Sic Subscibitur,

JA TURNER

NINIANE NICOLL witnes

ROBERT HARALL witnes.

THE EWILL TROWBLES OF THE LEWES,
AND HOW THE MACLEOID OF THE LEWES
WAS WITH HIS WHOL TRYBE DESTROYED
AND PUT FROM THE POSSESSION OF THE
LEWES

INTRODUCTORY NOTE

As in some other cases the Macleods, who really formed two separate clans, claim to be descended from two brothers, Norman and Torquil.

From Norman or Tormod are descended the Macleods of Harris and Glenelg, known as *Siol Thormoid*. From Torquil sprang the Macleods of Lewis—the *Siol Thorcuil*, with their cadet families of Assynt and Raasay.

The Siol Thormoid still flourish. Their chief is generally known as Macleod of Macleod, and his seat is the ancient castle of Dunvegan in Skye. Many cadets of the Siol Thorcuil no doubt still exist, but the history that follows tells of the evil fate that in the end of the sixteenth century overtook the family of their chiefs. By the courtesy of the Faculty of Advocates it is printed from a MS. recently found in their Library and now known as MS. No. 22.7.11. This is a little volume, on the leaves of which are pasted folios of a MS. apparently in the handwriting of the early seventeenth century, and bearing as a title 'The Ewill Troubles of the Lewes.' So far no authentic information as to the authorship and history of this MS. has been obtained, but in the course of inquiries some facts have been observed which it may perhaps be useful to record as illustrating how Highland History has been compiled.

A little volume, which is now very scarce, entitled *The History of the Feuds and Conflicts among the Clans*, was published in Glasgow in 1764 by Robert and Andrew

* also published by John Gillies, Perth, 1780

Foulis, 'from a MS. wrote in the Reign of King James VI.' And this is reprinted in vol. i. of the *Miscellanea Scotica*. It contains a very abbreviated version of the story told in the Advocates' Library MS. But the rest of its contents generally correspond in substance with passages in Sir Robert Gordon's *History of the Earldom of Sutherland*, first published in 1813. Sir Robert Gordon admittedly made use of the MS. of other writers. At the end of the 'Catalogue of the Principall Authours out of whom this Treatise hath been collected,' he says, 'Besides these I have seen and perused divers records, particular infestments, public registers, charters and manuscripts.' So it might be an open question whether he had used 'the MS. wrote in the Reign of King James VI.,' or whether it consisted of passages taken from him.

Further, in the Editor's hands at present is a document entitled 'Index of Matters in MS. volumes at Stonefield, 25 June 1846,' and one of these volumes appears to contain all the items printed in *The Feuds of the Clans*, with other items not to be found there. There is also in the Historical Department of H.M. General Register House a MS. volume apparently written about the middle of the seventeenth century, having in another hand the words, 'Daniel Campbell his book,' and the armorial bookplate of Macdonald of Ulva. Amongst a great variety of other material this volume contains the items in the Stonefield Index—that is to say, all that is in *The Feuds of the Clans*, and some other things too. The Stonefield volume has not been seen, but a comparison of the Register House volume with the passages in Sir Robert Gordon's History already referred to shows considerable variations between them.

In vol. ii. of the *Miscellanea Scotica*, published in 1818, is a tract entitled 'Supplement to the History of the Feuds and Conflicts among the Clans extracted from a MS.

written about 1656.' With other items this tract contains, but without throwing any light on its authorship, a narrative which corresponds much more closely with the passages in which Sir Robert Gordon deals with what he calls 'The civill troubles of the Lewes,' and has even been referred to as an earlier and better version of that part of his History than the one published in 1813. In the main MS. 22.7.11 agrees closely with what is in the tract. But there are discrepancies which seem to show that this is not a transcript from Sir Robert Gordon, but rather one of the MSS. used by him and by other compilers of Highland history. In particular, either this MS. or a copy was known to John Mackenzie of Applecross, who quotes passages from it in his history of the Mackenzies, printed in this volume, *ante* p. 5. Before MS. No. 22.7.11 was pasted into the little volume as already mentioned, it had evidently been subjected to bad treatment, with the result that parts, notably at the foot of pages, have been torn, and it is also illegible in other places. Attempts, more or less successful as the reader will see, have been made to supply within square brackets the missing words or their probable equivalents, and a few notes have been added which it is hoped may be of use. If any one desires to go into the matter more thoroughly, abundant information is contained in the published volumes of *The Register of the Privy Council of Scotland* for the period.

At the end of the history are printed three curious documents which throw some light on its earlier part. The first two are from Mr. Gregory's MS. Collection, vol. i., where they are included among 'Excerpts from documents in the Dunvegan Charter Chest.' The third is from the Record in H.M. General Register House.

THE EWILL TROWBLES OF THE LEWES, AND
HOW THE MACLEOID OF THE LEWES WAS
WITH HIS WHOL TRYBE DESTROYED AND
PUT FROM THE POSSESSION OF THE LEWES ¹

RORIE McLEOID of the Lewes married barbara stewart daughter to the Lord Meffen by whom he had Torquil yre (ayre) a waiiant gentlman. Aftr the death of barbara stewart rorie mcLeoid married mackenzie his daughter by whom he [had] torquill connaldach of the coigach. Then rorie mcLeoid haweing repudiat mckenzie his daughter for her adulterie with the breive of the Lewes who was said to [be the father of Torquil Con.].² Then he maried McLeane his daughter by whom he had torquill Dow

¹ In *The Wardlaw MS.* the Rev. James Fraser wrote: 'The clan Torkil in Lewis were the stoutest and prettiest men, but a wicked bloody crew whom neither law nor reason could guid or moddell, destroying one another, till in end they were all expelled that country, and the M'Kenzies now possess it. The poet gave them this satyr:—

“She mi varrell er Chland Lēod gir cossvil eād re
Pōir i Dūse
Thē shin mis ī is mō, Ichis i tē is Oīg Tūse.”

To this Dr. Mackay added the following note: 'In part obscure. The following rendering is offered, not without doubt:—

“‘S e mo bharail air Clann Leoid, gur cosmhuil iad ri pōir an t-uisge;
An te is sine, mās i is mò, ithis i an te is oige diubhs’.”

“‘It is my opinion of Clan Leod, that they are like pikes in water [literally the water's progeny];
The oldest of them, if the biggest, eats the youngest of them.’”

‘Compare the Gaelic adage: ‘A’ bhèist is mò ag ithe na bèist is lugha, ‘s a’ bhèist is lugha ‘deanamh mar a dh’fhaodas i: the bigger beast eating the lesser beast, and the lesser beast doing as best it can’ (Scot. Hist. Soc., vol. xlvii. p. 41).

² See the curious document printed *post* p. 280.

mcLeoid and normand mcLeoid both sufficient and gallant gentlemen. besides these rorie mcleoid begat diwers bastards to witt Tormot ougach, murdo, neill, donald, and rorie oig.¹ This breiwe of whom mention is mead is a kynd of a judge amongst the Ilanderer who hath an absolut Judicatorie unto whose authoritie and censure the people willinglye submitt themselves and newer appeall from his sentence qu he determineth any debatable question in controwersie betwixt partie and partie.²

Torquill yre sailling from the Lewes to troternes in the Ile of Skye with a hundred men perished with all his companie by ane extraordinarie storme and tempest. Then Torquill connaldach coming to perfet age married Glengarries daughter by whom he had Jon, Neil and diwers daughters. this torquill Connaldach was newer acknowledged by rorie mcLeoid of the Lewes to be his lawfull son [being indeed the Breive his son; which moved Torq: Conn: to tak armes against his reputed Father Rorie McLeoid, being] assisted by his base brethren Tormot ougach and murdo so they invaded ther father rorie mcLeoid took him and detained him 2 or 3 yeares in captiwitie in end he was releised upon promise that

¹ The facts seem to be these: Rorie married (1) Janet Mackenzie. She is said to have been a natural daughter of John Mackenzie of Kintail, and widow of Mackay of Reay. It is further said that she had an adulterous intrigue with the Brieve of Lewis, and that she eloped with John MacGillechalum of Raasay. She had a son Torquil, who was brought up among her kinsfolk in Strathconon, and therefore known as Torquil Connanach or Connaldach. Rorie Macleod denied that he was the father of this child, and alleged that he was the son of the Brieve. Rorie married (2) Barbara Stewart, daughter of Lord Avandale and sister of Henry Lord Methven. By her he had a son Torquil, whom he recognised as his heir, and who was accordingly known in Gaelic as Torquil Oighre. He married (3) Jennette Maclean, daughter of Hector Oig Maclean of Duart, and by her had two sons, Torquil dubh and Norman. He had also a number of natural sons, whose names are given in the narrative. The family disputes that raged, especially after the death of Torquil Oighre, with such ferocity probably induced the expedition of the Fife Adventurers, and certainly resulted in the destruction of the Siol Thorcuil.

² Hugh Macdonald says that under the Lords of the Isles 'there was a judge in every isle for the discussion of all controversies, who had lands from Macdonald for their trouble, and likewise the eleventh part of every action decided. But there might be still an appeal to the Council of the Isles' (*Highland Papers*, vol. i. p. 24).

he should from henefurth acknowledge torquill connaldach as his Lawfull son.¹ Then was tormot ougach slayne be his brother donald wherwpon torquill connaldach (being assisted by his brother murdo) tooke Do^d and caried him prisoner to Cogach from whence he escaped and came againe to the Lewes to his father rorie mcleoid who then againe was offended with torquill Connaldach for taking his broyr Donald and presently therafter he caused his son donald apprehend murdo whom Do^d deliwered to ther father rorie mcLeoid who imprisoned his son murdo at Stornuay wch moved Torq: connaldach to come thither and invade that fort. Afr a short siege he took it and releived his broyr Murdo aprehended againe the father rorie [M'Leod, killed a number of his men, and conveyed] away all the evidents writts chartors and old infestments of Lewes wch he gave in custodie to mckenzie.

Then did Torq: Connaldach send for his son Jon (who was then bred in the Earle of Huntly his company) and Left him ther in the castle of Stornuay to keepe the fort together with his grandfather as prisoner: Jon mcLeoid being in possession of the Lewes and acknowledged as mr. and superior of it, he went about to banish his uncles out of the Lewes, to witt rorie oig and donald, wch moved rorie og to invade his nephew Jon mcleoid wher Jon was slayne and old rorie relieued; thus was old rorie mcleod mead againe Commander of the Iland qlk he did possese during the rest of his trowblsome dayes. Then was Do^d apprehended and executed without Law at Dingwall in rose by his broyr Torq: con: who was assisted and advysed be the clankenzie.

Afr the death of rorie mcleoid his son Torq: dow: gotten betwixt [him and Maclean's daughter] married Sir Rorie McLeod of heries his sister and possessed the Lewes, he excludet his aledged brother Torq: Con: as a bastard qm the clankenzie assisted with al ther forces. Torq: dow Mcleod in this meane tyme apprehended his bastard broyr rorie og upon sume privat spleine and sent

¹ See the Instrument of Revocation printed *post* p. 281.

him to mcLeane to be detained in captivitie from whence escaping naked he perished by snow and stormie wathere leaving behind him three sones Malcolme who came out of Spaine unto england with Sir James mcdonald, wm and rorie.

Then did the clankenzie Plot and dewyse amongst themselves how they might purchase and conquesse the Lewes taking the opportunitte of this priwat dissentiones amongst the race of the mcLeoids of the Lewes together with the simplicitie of Torq: Con: qm they [assist]ed and who now had no sones Jon being now slayne at Stornuay as is before mentioned and his second son Neill [dead of a burning fever in Coigach and his daughter Margaret] was married To rorie Mckenzie¹ the Lord Kintail his brother weh did much advance ther interpryse, so under pretence of assisting Torq: Con: who was descended of ther house they destroyed the familie of McLeod Lewes with his trybe (the siol Torquill). First yen they set downe a course for the slaughter of Torq: dow meleoid of whom they stood in doubt and great feare, for so Long as he was alyve, they were out of all hope to effectuat ther enterpryse. Thus then they bring him quikly to his end.

Kenneth mckenzie (afttrvard Lord of Kintail), Torq: Con: mcLeod Murdo meleod the base brother of Torq: Con: and the brieve of the Lewes the son of the brieve who was sd to be the father of Torq: Con: had a secret meeting together to consult of ther affaires. The Lord of Kintail his proposition was that to adwance Torq: Con: to the possession of the Lewes it were requisit that his broyr Torq: dow should be mead out of the way weh motion was presently embraced by the [rest but ther lacked one to execute the] interpryse. In end the brieve was mead and persuaded by the earnest intreatie

¹ Sir Rorie Mackenzie of Coigach, tutor of Kintail. Through his marriage with Margaret, the daughter of Torquil Connanach, his descendants claim to represent the Siol Thorcuil, and Lord Macleod was one of the minor titles conferred along with the Earldom of Cromartie on his grandson, Sir George Mackenzie of Tarbat. Probably for the same reason the house built by Sir Rorie on his estate of Culachloid or Culteleod in the parish of Fodderty, near Strathpeffer, was called Castle Leod.

THE EWILL TROWBLES OF THE LEWES 269

of the other thrie (upon promise of a gret reward) to undertake the matter and so they parted asunder at that tyme. Then the brieve being accompanied with the most part of all his kindred (the clan wickgillworie) went in his gallay towards the Ile of Ronay, and by the way hee tooke a douch shipe wch being partly fraughted with wine, hee brought by force along wt him into the Lewes qr his mr. Torq: Dow mcLeod was for the present tyme whom he invited to the ship to ane banquet. Torq: condiscended suspecting no treason went thither accompanied with seven gentlemen only, so being set doune in ye ship expecting some wyn, bot instead of wyn they brought them cords, thus they wer all apprehended by the brieve and his kin who caryed them all to the Lord Kintail his bounds and he being advertised of ther mynd the Lord K. sends presentlye ane order, from his house of Ilandonan to execut Torq: Dow mcLeod with his whol company, wch orderes was no sooner received bot was as soon put in execution without Doome or Law, only on gentleman of the house and family of Rasay mead his esceape: this was done in the moneth of July in the yeare of our Lord 1597 and at the werie moment of his execution ther was [an extraordinary] gret earthquake wch much astonished the malefactors (though hardened with crueltie and mischeife). This Torq: Dow Left thrie sonnes rorie Wm. and Torquill.

This was the first stap mead easie for the mckenzie who neverthelesse heated the breiwe and his trybe, so hatfull are wyces ewer qhen they are profitable. Bot now the breiwe and his kin perceawing yt they were hated of all men begane (though too Lat) to repent this execreable and unnaturall fact wch they had committed against ther mr. The mckenzie at this tyme had gotten Normond mcLeod (the brother of Torq:) into ther hands, hawing tacken him from the school of St. Jonstoune they detained him in ther owen custody. After the death of Torq: dow thee breiwe and his kinn returned into the Lewes and strenthened themselves within a fort in ye Iland called Ness. Bot Neill mcLeod the bastard brother

of Torq: dow persewed them killed, divers of them and constrained them to Leave the fort of neise.

In this meane tyme the barrons and gentlemen of Fyfe ¹ heareing ther troubles in the Lewes wer intysed, be the psua^one of some that had been ther and be the report of the fertilitie of the Iland [into a] hard interpryse and under pretence of civilizing the inhaibtants of the Ile they goe about to plant a collony ther and to drywe away all the anciant inhabitants. Bot it fell out so that many of the undertakeres (if not all) lost ther owen lands and all of them wer forced at last to giwe ower the bargan and to forsk the Iland. First the undertakeres did purchase from the King a gift of the Lewes the yeare of god 1599 or therabouts wch then was alledged to be at his ma^{ties} disposition.

Then the adventurers met altogether in Fyfe qr they assembled a company of souldiours and artificeres of all sort with ewer thing they thought requisit for a plantation so transporting themselwes to the Lewes they began apace to build and erect houses in a proper and convenient place fitt for the purpose: in end they mead up a prettie town qr they encamped: Neil McLeod and Murdo mcLeod (now only left in that Iland of all Rorie mcLeod his children) withstood the undertakers. Murdo McLeod invaded the Laird of Balchomie whom he apprehended together with his ship and killed all his men and

¹ For the history of the Fife Expedition see Spottiswood's *History*, vol. iii. p. 101; vols. iv. and v. of the *Privy Council Register*; and Gregory's *History*, pp. 275 *et seq.*, pp. 290 *et seq.*, and p. 315. Mr. Gregory speaks very strongly of the conduct of the king. It is, however, possible that he may have had present to his mind the desire of producing order in the Lewis, though it is plain that greed of pecuniary gain was the sole motive that animated the adventurers. It is satisfactory to know that most, if not all of them, were ruined by the failure of their enterprise. From the contract made with the king, and ratified by parliament, in 1598 (*Act. Parl. Scot.*, vol. iv. pp. 160 *et seq.*), it appears that the chief promoters of this nefarious enterprise were Patrick Leslie, commendator of Lindores, father of David Leslie, the Covenanting general; James Learmonth of Balcomie; Sir James Anstruther of that ilk; James Spens of Wormestoun; Sir James Sandilands of Slamannan; Sir William Stewart of Houston, commendator of Pittenweem; John Forret of Fingask; Sir George Home of Wedderburn, the comptroller, who afterwards fell into disgrace, and David Home, his son; along with Ludovick, Duke of Lennox.

haweing detained him four monethes in captivitie within the [isle of] Lewes he releised him upon promise of a ransom but Balcolmie Dyed in his returne homevard to fyfe after his releisment qrby Murdo meleod vas Disapoynted of the ransom.

Now in this mean tyme Neill mcLeod fell out with his broyr murdo meleod for mantaining the breive or such of his kindred as wer aliwe, because they were the cheife instruments of his broyr Torq: dow meleod his slaughter. Hearupon Neill apprehended murdo his brother with diwers of the breive his trybe qm hee put to death reserving only his broyr aliw. The adventurers understanding that neill had taken his broyer Murdo they sent him message shewing yt if hee wold delywer his broyr murdo unto them they wold agrie with himselfe giwe him a portion of the Iland and assist him to reweunge the slaughter of his broyr Torq: dow qrunto hee harkened and delywered his bro: murdo to the undertakers; then went neill meleod with them to Ede^r qr [he received] a pardon from the Counsel [for all] his past offences.

Thus was the Lord Kintail almost in Dispaire and out of all hopes to purchase or obtaine the Lewes, he therfor turneth now all his courses from invading the meleods of the lewes intending with all his might to crosse the undertakers.

He setteth at Libertie normond mackLeod whom he kepted in captivitie befor being the Lawfull brother of Torq: mcLeod who was executed be mckenzie befor: thinking yt upon his coming into the Iland all the inhabitants would sturre in his favours against the undertakers wch they did indeed: for all those Ilanders and Lykewise the hylanders ar by nature most bent and pron to adventur themselves ther liwes and all they hawe for ther masters and cheifes yea beyond any other people. In this mean tyme murdo meleod was executed at St. Androwes who at his death rewelled something of the Lord Kintail his proceedings qrupon he was informed [against] by the [adventurers as being] a hinderer of the Interpryse wherupon he was brought in question and was committed to

~~Handwritten signature or scribble~~

ward in the Castle of Ed^r from whence he escaped without his tryall by the meanes and credit of the Lord Chancellour of Scotland.

Neill McLeod returned into the Lewes with the undertakers bot shortly thereafter he fell at variance with them for some injurie wch Sir James Spense of Wormstoun had done him wherupon he left them and went about to invad ther campe, they began in Lyke maner to lay a snar for him, the Laird of Wormstoun seeing a werie darke night sent furth a company of souldiours to apprehend Neill McLeod and Do^d dow mackrorie (alias mcLeod), this Do^d dow was a gentleman of the house of Rasay and should be the Laird of Garloch bot at that tyme he dwelt in the Lewes and assisted Neill at that tyme.

Bot Neill being on his guard and perceawing them coming invaded them qn they had issued out 2 or 3 milles from ther campe and killed thrie score of them chasing the rest intill it was day so that they were [rescued] from ther campe. The Lord of Kintail [learning] this thought it [time to bestir himself] Norman having got into his power Torquil Conaldach demanded from him where were the writs and indents which he had taken qn he apprehended ther father Rorie McLeod at Stornoway, Tor: Con: ansred that he had given them to Mckenzie Lord of Kintail in costodie and had them not in his own power. So Normond sceawing that the Mckenzies had prevented him and gotten all the writts into ther hands he releised his brother Tor: con: and suffered him to depart wch he did against the opinion of all that was with him who desired Torq: Con: should be mead out of ye way because he was the fountaine of all ther miseries and troubles.

Now shall you see the breiwe of the Lewes justly punished for killing and betraying his mastr Torq: dow mcLeod, Jon mcdonald wie hutchcon (alias mcLeod) befor mentioned accompanied only with foure other men came by chance unto the house qr the breive with sex of his kindred wer lodged in the countrie of Assint aither of them suspecting ane another being of contrarie factiones and being now men ewer expecting who would be the first [inva]der Jon

persued the breive [and killed him with five of his men without] the Losse of any of his owen companye wch was a hard matter to effectuat being all upon ther guard, bot god deprywed the breive and his of couradg and abilitie to resist.¹ In rewenge grof malcolme more mcean (being cheif

¹ A quaint and somewhat different version of the story, given in the *Old Statistical Account of Scotland*, Parish of Edderachylis, vol. vi. p. 292, seems worth reproduction: 'Here' (*i.e.* the island of Handa) 'once lived Little John M'Dhoil-mhich-Huishdan, a gentleman of the Assint M'Leods, who were a branch of the M'Leods of Lewis or Shiol Torquil. He was low of stature, but of matchless strength and skill in arms; kept always a bierlin or galley in this place with 12 or 10 armed men ready for any enterprise. Some alledge he practised piracy, but of this there is no certainty. By him it was that Judge Morison of Lewis, of whom several respectable families now living are descended, was slain. This judge had King James VI.'s commission for maintaining justice and good order in that country, and though he was murdered by this M'Leod it was for no personal quarrel or injury done M'Leod himself, but in revenge for his being instrumental in putting to death one of that family who acted as Laird of Lewis. The preceding laird of that place dying without lawful issue, but leaving a number of natural sons (some say 60), a contention arose among them about the succession to the estate. The eldest not being so popular among the name as one other, especially the son of a gentlewoman whose parents were of considerable influence among the tribe, was obliged to leave Lewis and live upon the mainland. Judge Morison being informed that there was a French vessel employed in killing fish, contrary to law, upon the neighbouring coast, sent for the reputed laird who lived near that place, and taking a party also with him boarded this vessel and made her a prize, but whether by stress of weather or design they came to an anchor below the house of the eldest of the brothers upon the mainland, who in this way getting his rival within his power had him immediately put to death by hanging him up, thinking no more was necessary to his succeeding to the possession of the estate of Lewis. But the death of the favourite young man so irritated the whole clan of M'Leod that they resolved nothing except the death of the judge should atone for it, and this little John M'Dhoil-mhich-Huishdan, being universally reputed the fittest person for this enterprise, it was committed to him accordingly. The judge, informed of his danger, thought fit to come and wait on the Master of Reay, who then lived in Diurness about the Christmas holidays, in order to prevail with him to protect him, and to threaten John M'Leod from attempting anything against him. But John M'Leod, being told of the judge having left his boat at Inverchirkak in Assint, waited for him there on his return, slew both him and his brother, and after this went to Lewis and married the judge's widow. On account of the barbarity and cruelty of those M'Leods at this time and their murder of a very promising youth, who was the rightful heir of the estate of Lewis, immediately upon his coming home to his estate from Edinburgh, where he had his education under the king's eye, and this murder of Judge Morison, of whose integrity His Majesty had a high opinion, the king disposed of Lewis to a company of adventurers from Fife and Dundee, whose history is well known.

'Among the numerous islands on the coast is one called Elan a Bhriu, or the

of the breiwe his kin), after the death of the breiwe did persue and shearch for Jon mcdonald wichutcheon to slay him. Bot Jon meeting by chance with this malcolme more in the cogach he Invaded him took himselfe prisoner and killed the most part of his men and caried the sd Malcolme into the lewes qr he was beheaded: this Jon mcdonald wichutcheon alias mcLeod died afterwards in Stranawer in the year 1620.

The undertakers contrarie to ther promise returned againe into the lewes ¹ bot they werre assisted by the forces of all the neighbouring countries by wertue of the kinges comission dertected agt Normond mcLeod and his kin. Heir-upon all the forces of the adjoyning contries werr Landed in the Lewes the undertakers in the mean tyme sent a message to Normond mcLeod shewing that if he would yeild unto them in the king his name they should transport him sally to London qr his matie was at that tyme and being arived then they should not only obtaine his pardon bot also suffer him without Let or stop to deall by his freinds for his maties fawour and for some means wherby he might liwe. Wheronto Nor mcLeod condiscends and would not adwentr the hazard of his fortune agt so great forces as he perceawed readie yr to assaill him. This did nor: agt the opinion of advise of his broyr Neill mcLeod who stood out and would not yeild upon no termes, so the adventurers sent nor: mcLeod to London qr he caused his matie to be rightly informed of the caise how the Lewes vas his just inheritance, and how his matie was senistrously informed by the undertakers who had abused his matie in making him beleive that the same vas at his maties dispoc^one qrupon proceeded much unnecessarie

island of the judge, from the above mentioned Judge Morison. After he had been slain, his friends in Lewis came in a galley to bring home his corpse, but contrary winds drove them with the body on board to this island where they found it convenient, after taking his bowels out, to bury them; and the wind, soon after changing, they arrived in safety at home.'

¹ This second expedition took place in the summer of 1605. Additional people were concerned in it, including Robert Lumsden of Airdrie and Sir George Hay, afterwards Earl of Kinnoull. It was, however, no more successful than the earlier one had been. Spottiswood's *History*, vol. iii. p. 165.

trowbles and much bloodshed and therfor he hubly in-treated his matie to do him Justice and restore him to his owen.

The adventurers understanding that the king began to harken to the complent of Nor. Meleod they then used all ther credit and [power] at court to cross him ; in the end they so far prevailed (some of them being the kinges domestick servants) that they procured him to be taken and sent home prisoner to Scotland qr he remained captiwe at Ed^r untill the moneth of July 1615 :¹ yt the king gave him Libertie to passe into holland to maurice prince of orange qr nor: meleod ended his dayes. The adventurers haweing thus procured Nor: his imprisonment at Ed^r they setle themselves againe unto the Lewes qr they had not stayed long qn. divers of the adventurers began to wearie, many of them wer not drawn back from the interpryse in this plantation, some died others had greater occa^ones and bussines elsqr to obstruct them all of them began to declyne apace in ther riches and meanes and specially because Neill meleod did continually wex and trouble them killing and destroying the most prt of them they forsooke the Iland and returned into Fyfe.

The L. of Kintail perceaving all things thus to fall out

¹ The *Privy Council Register* tells how the expenses of his maintenance had to be met first by Sir George Hay and then by Lord Kintail. Then comes this entry: '6th February 1612.—Supplication by Rorie M'Kenzie, Tutor of Kintail, as follows: The Council modified 20s. to be paid daily by the Petitioner's late brother, the Lord of Kintail, to Normond M'Claude, prisoner in the Tolbooth of Edinburgh, for his expenses in that ward. That sum has been paid in the past to David Lindsay, jailer of the Tolbooth, in respect that he entertained the said Normond at his table with the "rest of the gentilmen in the Tolbuith." And now the said David "hes put the said Normond fra the table sua that he is constrayned to mak his awne provision the best way he can." Normond is not willing to go again to the said table, "bot will content himself with suche a meane portiou as fra tyme to tyme he will call for," and as the said sum was modified for the said Normond's entertainment, payment thereof should now be made to himself "to the effect that he may so use the same as by a spairing dyet he may reserve some pairt thair of to buy him cloithes" and other necessaries. Lindsay and Normond appearing, the Lords ordain the said Tutor to pay Normond the said sum' (*P. C. R.*, vol. ix. p. 329). The order for his liberation seems to have been made on 7th February 1615 (*ibid.*, vol. x. p. 302).

according to his mynd he did now [openly] show himselfe in the matter [and] past to his own use a gift yrof under his maties great seall by wertue of the old rights wch Torq: connaldach had long agoe giuen in custodie unto him, aleding that Torq: connaldach assigned the ryts in his oven favoures. Some of the adventurers complained of this to the K. who was highly displeas'd wt. the L. Kintail and mead him resigne his rts againe into his maties hands be the meanes of the Lord Balmerinoch ye Secretarie of Scotland and president of the Session wch right being nov at his maties dispositione he gawe the same bak againe unto three persons to wit the Lord Balmerinach Sr georg hay chancellour of Scotland and Sr James spense of Wormestone who were hawing the rts of the Iland in ther persones settled; They undertuik the plantation of the Lewes grupon Sr George hay and Sr Ja: Spense maid great preparation for the interpryst, and so [being] assisted by the most part of the neighbouring contries they Invaded [the Lewes not only to make a plantation] ther bot also to search for Neill Meleod who now alon defended the contrie. The L. Kintail yet hunting aftr the Lewes did privatly and underhand assist Neill mcLeod and sent his broyr rorie mckenzie (aftrward tut^r of Kintail) openly with some men to aid the undertakers by wertue of the K: commission: he promised great freindship to the adventurers and sent unto them a supplie of wictualles in a shipe from rose. in the mean tyme he sendeth quietly to Neill mcLeod desiring him to tak the ship by the way that the adventurers trusting to his victualls and being disapoynted might yrby be constrained to abandon the Iland wch fel out accordingly, for Sr Geo: hay and Sr Ja: Spense failing to apprehend neill mcLeod and laiking wictualls for ther army they wearyed of the bargain and dismissed all the neighbouring forces.

Sir G. hay and wormeston returned into fyfe Leaweing some of ther men behind them in the Iland to keepe the fort till they wold send wnto ym assistance and wictualls grupon Neil Meleod Being assisted by his nephew malcolme mcLeod (the son of rorie og) and some others of the lewes

men Invaded the campe burnt it apprehended and killed all the men wch the undertakers left behind them to maintaine the fort and sent all them that was aliwe saife home unto fyfe; since wch tyme the fyfe men newer returned againe to the lewes: Then did the Lord ball: Sir g. hay and Sr James Spen: of W. begin to weirie of the lewes and sold ther ryt and title therofe to the Lord Kintail for a some of money qrby in end afr great trouble and bloodshed he obtained the Iland.

The L. Kintail was exceeding glad yt he haid now at last caught his long wished and expected prey and therupon he went into the Iland. Presently, afr his coming yr all the inhabitants yeilded unto him except Neill meleod with some sons of the countrie men who, fatally fawouring the declyning syd still persisted unfortunatly contrarie unto such as did aim to possesse yt Iland [and accordingly also to the Lord of] Kintaill to whom the rest of the inhabitants did yeild the more willingly because he was ther neir nighbour and might still wex them w^t continuall incursions if they did stand out agst him wch the undertakers was not able to doe. Neill Meleod was now forced to retire unto ane roke w^{tin} the sea with his nephewes malcolme w^m and rorie (the thrie sones of rorie og) Torquil blair and his four sons and 30 others this roke was called Berissay, a fort invincible unto the wch rok Neill was accustomed some yeares before to send all his provisione of victualls and other thinges necessare yt it might be a place of retreat unto him upon all occasiones in tyme of his streatest necessitie. Neill kepted this roke for the space of thrie yeares During wch tyme the Lord of Kintail Dyed in the yeire 1611.

The nixt yeare following wch was the yeare 1612 Neill meleod went from Berissay w^t his train into the Lewis [to obtain supplies from the] Land where the Mckenziees were accompanied with some of the inhabitants of the Iland invaded neill and his companie; bot neill escaped yr hands and reteired with his companie to the rock of Berrissay ther the mckenziees gathered together the wives and children of those that wer in Berrissay and such as by way of affinitie or consanguinitie within the Iland did

appertaine to Neill and his followeres and placed them all upon a rok within the sea qr they might be heard from the rok of Berrissay, they wowed and protested that they wold suffer them to be overwhelmed yer with the sea at the nixt flood if neill mcLeod did not surrender the fort, wch pittifull spectacle did so mowe Neill mcLeod and his companie to compassion that Immediatly they yeilded the rok and Left the Lewes, wherupon the women and children wer rescued and randrd.

Then neill mcLeod returning out of the Lewes went into the heries qr he remained a quhyle in secret and not being able to keepe himselfe [there any] longer [he surrendered to Sir Rorie] McLeod of the heries qm he intreated to bring him to his matie into England qinto Sir rorie mcLeod harkened and promised to doe what neil mcLeod desired. Bot after Sir rorie mcLeod had kepted neill mcLeod a long tyme priwatly and brought him to Glasgow of intention to goe to england with neill mcLeod to the king according to his promise giwen to neill mcLeod befor, he was charged under the pain of treason to delywer Neill mcLeod to the priwie consel. Sir rorie being surprised was forced to delywer and present neill mcLeod tog: with his son Do^d to the priwie consell at E^r wher Neill was executed in april 1613 yeares :

His son Do^d was banished out of the kingdome. He presently went into england and ther remained three yeares with Robert gordon tutor of Sutherland [and then went to Holland where he died].

During the tyme that neill mcLeod kepted the rock of Berrissay ther arryved ane english pirat in the lewes who had a ship furnished and fraughted with great wealth. This captaine was called Peter Lewe, he entered in freindship and familiaritie with neill mcLeod being both outlawes, so they thought by joyning together ther forces to be maisters of the lewes by sea and by Land but after the pirat haid stayed awhyle in the Iland, he with all his men were taken prisoneres by Torquill blair mcLeod his sones and ver sent together with the ship by neil mcLeod to E^r unto the priwie consall thinking therby to get his owen

pardon and his brother Normond melead releised out of prison, bot nither of them did he obtaine and all the english men with ther captaine wer hanged at Leith.¹

After the death of neill melead the tutor of Kintail apprehended and executed rorie and wm melead the two sons [of Rorie Oig, his other son] Malcolme melead being prisoner with the tutor of Kintail escaped and did since that tyme wex the mckenziez with incursiones haweing associat himselve to the mcDonalds of Ila and Kintyre² during the trowbles against the Campbells an: 1615-1616.

Therafter malcolme melead went into flandders and spaine qr he remained vt Sir James mcdonald; bot befor his goeing to flanders he mead a Journey into the lewes the yeare of god 1611³ and killed two gentlemen of the mckenziez.

Rorie melead the eldest son of torquil dow melead (who was executed be the lord Kintail) was in the tutor of Kintaills custodie; w^m melead the second son of tor: dow was at the wniwersitie of glasgow; tor: melead the third son of tor: dow melead was with his uncle sir rorie melead of heries and was a youth of good expectation. The tutor of Kintail repented himselve of his proceeding against the trybe of Shiel tor:, or of the meleads of the lewes; his aim was alwayes to have gotten the lewes to himselve [from his nephew the Lord of Kintail] (Therafter earle of Seafort) in exchange of the coygach and the rest of the landes he purchassed in rose and murray; weh exchange was refused by his nephew who was ready to fall by the eares with his uncle qu as he died the yeare of god 1626.⁴ And so ends the Lamentable historie and decay of melead of Lewes together with his trybe the Shiell Torquill.

Finis.

¹ For the whole story see Pitcairn's *Criminal Trials*, vol. iii. p. 224.

² The Register House MS. says: 'Then he went into Spaine and there remained in Sir James Macdonald his companie, with whom he is now again returned into England the year of God 1620.'

³ The figures are not very distinct.

⁴ Sir Rorie Mackenzie died in 1626.

* v. Highland Papers, Vol III, p 257

v. p. 257
in pra
ead 1616? cf. Feuds 3
Conflicts p. 83

The following documents are printed as throwing light on the earlier part of the foregoing history. Nos. I. and II. are taken from the Gregory MS., vol. i., and No. III. is from the Record.

I. INSTRUMENT UPON THE DECLARATION OF THE BREVE OF LEWIS ANENT THE BIRTH OF TORQUIL SAID TO BE SON TO M'LEOD OF LEWIS, dated August 22, 1566.¹

In Dei Nomine Amen—Per hoc presens publicum Instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Domini millesimo quingentesimo sexagesimo sexto die vero mensis Augusti vigesimo secundo anno regni supreme Domine nostre Regine vigesimo quinto In mei Notarii publici et Testium subscriptorum presentia etc.

The Quhilk day Sr Patrik M'Maister Mairtin² Persoun of Barwas deponit upon his aithe and [] that he being in Lewiss visiting Huchcoun Breue of Lewess that wes then in the poynt of dethe and in thay dayes wes confessour to the said Huchcoun attending to the consuetude vsit in yai tymes. That he sperit and requirit of the said Huchcoun anent yis sone Torquill borne be Makkenze's sister,³ as wes allegit, to Maceleod of Lewess hir housband Quhat ye said Huchoun's Jugement wes anent him and to quhome the said Torquill, as he belefit, pertenit. Quba ansuerit to ye said Sr Patrik yat he culd nocht deny bot he had carnale copula^one w^t the said ne v'Kenze in hir husband's tyme in dew tyme and seasoun afoir ye said Torquhillis birthe and y^t the s^d Huchoun's father afoir him tuik w^t ye said Torquill to be ye said Huchoun's sone afoir his deathe. And in respect that the said Huchoun wes to depairt of this warld in perell of deid he culd not do

¹ Vide Gregory's *History of the Western Highlands and Isles*, p. 213 and note.

² He was evidently a priest without a university degree, who had become a minister of the Reformed Church. It is, however, surprising to find him here making public what he had admittedly learned in confession.

³ Vide ante, p. 265.

II, 1, p. 387: J. 1536 King James
 the first's father Hector's name to several
 children, including the daughter of
 the deceased of Master Martin M'Gilmer's
 including the daughter of the church of
 Barwas in Berwick in the
 above [1566 See Sig. Vol. X. fol. 122]. This would appear to be
 his son.

utherwayis nor his father afoir him had tane w^t the said Torquill. That is that the said Huchoun wes his father naturall and that he culd not refuse him to be sone to him in tymes cuming. And this the said Huchoun grantit and confessit to ye said S^r Patrik in his confessioun being in danger of deathe. Upoun ye quhilk confessioun of ye said S^r Patrick and Vidimus of his Testificatioun ane honora-bill man Donald Makdonald gorme of Sleat¹ appearand and acclaimand ryt to be air of Lewess requirit fra me notar vndirwritten actis and instrumentis befoir yir witnesses² ane ryt reverend man M^r John Carswell Bisehop of ye Ilis, Hector Makelane Allansoun w^t vyeris diuerss etc. etc.

Ita est Patricius Miller
Notarius Publicus, etc.

II. INSTRUMENT BY RORY M'LEOD OF LEWIS AG^T TORQUIL M'LEOD, dated June 2, 1572.³

In Dei Nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Divine Incarnationis (1572) mensis vero Junij die secundo etc. In mei notarij publici et testium subscriptorum presentiis personaliter constitutus comparuit honorabilis vir Rodoricus M'Leod Dñs de Lewis asserendo ac simpliciter ut mihi notario publico luculenter constabat revocando omnia et singula subscripta prout sequitur in vulgari.

S^r Notar—It is notourlie knawin of my evill handilling thir twa zeiris bygane be Torquil M'Leod and his com-

¹ Donald Macdonald of Sleat, son of Donald Gorme, claimed to be the rightful heir of Lewis, on the ground that his mother, Margaret Macleod, belonged to an older branch of the family than that of which Rory was the representative. He therefore had a distinct interest in bastardising Rory's apparent heir.

² John Carswell, 1520-1572, the first Protestant bishop of the Isles, a man of considerable literary gifts and great force of character. He is best known from his translation into Gaelic of John Knox's *Liturgy*. This rare and valuable work was reprinted in 1883, and carefully edited by the Rev. Dr. M'Lauchlan, who gives a good deal of information about the bishop.

³ Vide Gregory's *History of the Western Highlands and Isles*, p. 214 and note.

plices in persewing me vnder silence of nycht w^tin my awin duelling place in Stornoway birning my lugeing or I com in his handis—in halding me in maist miserable captivite in mountanis and cavernis of craigis far distant from the societe of men almaist pereised w^t cauld and famine. In bringing me before Jhone Erle of Mar Lord Erskin, Regent for ye tyme,¹ my lordis of Ardgyle Mortoun and vyeris on yat counsall for ye tyme greit trubillis and diversite being in authorite and na place to complene upoun ye impiete comittit to me be ye said Torquil to my greit incommoditie and hurt. And finallie in compelling me be ye assistance of ye foirsaidis Lordis and yair persuasioune, fauoraris of ye said Torquil for feir of my lyfe and to haif libertie, to grant to ye said Torquil ye frui-tioune of my landis of Lewes eftir my deceiss. In respect of ye quhilk evill handilling captiuite feir of my lyfe perell of hunger and cauld and manifest compulsione done to me be ye said Torquil qubairbe na maner of contract obligatioun band promeis evidentis titillis or securiteis maid gevin and grantit be me to him upoun ony landis guidis or geir may nor aucht not nather of ciuile canoun nor municipale law stand in effect seing only dredoⁿ of my life and feir of pereysing thairof throcht ye greit penuritie of cauld and hunger sustenit be me indureing my captivite ye space of twa zeiris; considering alsua that albeit ane lauehful naturall sone had ryt to succeid to ye father, geif he puttis violent handis on his father he suld nawayis

¹ By charter, dated at Leith, Feb. 14, 1571-2, King James VI. granted to Torquil Macleod, described as son and heir apparent of Roderick Macleod of Lewis, the lands and barony of Assynt, the lands and barony of Cogeach, the lands, island, and barony of Lewis, and the lands and island of Watterness, the remainder is to the heirs male of the body of Torquil, whom failing to Gilliecallum Garwe M'Clويد of Raisay, and the heirs male of his body, whom failing to the heirs male whatsoever of Torquil, bearing the name and arms of M'Clويد. The charter contains this significant clause—*Proviso quod dicti Rod. et Tor. regi fideles et obedientes remanerent et nullum proditionis et lese Majestatis crimen facerent aut attemptarent.* The charter bears to proceed upon a resignation made at Stirling by Roderick personally, and to be granted under reservation of his liferent. It thus corroborates the statement that Torquil had somehow brought Rory into the hands of the Regent and extorted from him this settlement, which it was obviously the object of the instrument to revoke.

of reasoun possede ony landis thaireftir bot be secludit thairfra forever. Thairfoir sen ye lawes alwayes permittis ye evill handillit innocentis to haif regress and to haif place to revoke and cancell all thingis comittit maid gevin and done in captivite be way of compulsione feir of lyfe and menasing of greitar in degre nor yairself. Thairfoir I the said Rorye Makleod of Lewes revokis be yir pñtis all maner of Chartouris Preceptis Instrumentis Contractis obligatiounis bands promeisz priwat or publict quhatsumevir maid promeist gevin or grantit be me to ye said Torquil or to ony vyeris in his name. In respect ye samyn war maid promeist done gevin and grantit for feir of my life and throcht verray compulsione as said is and thairfoir revokis ye samyn in generall and speciall and all that may follow or succed thairupon of lawe, Protesting solemnatie yat ye saidis Chartouris etc. etc. maid be me to ye said Torquil in ony time bigane befoir ye dait of yis my pñt reuocatioun in all tyme cuming be of na validitie etc. And for corroborating and strengthening of this my pñt reuocatioun of all thingis comittit be me in maner foirsaid Protestis yat ye samyn be insert and registrat in ye buikis of Or Souerane lordis Counsall etc. etc. Super quibus omnibus et singulis prefatis Rodericus Makleod de Lewis a me notario publico subscripto sibi fieri dari levare et exhiberi petiit unum vel plures [*sic*] publicum vel publica Instrumentum vel Instrumenta—acta, gesta, revocata et protestata erant omnia et singula praemissa infra cameram dicti Roderici juxta suum castrum de Stornoway horam circiter octavam ante meridiem die praedicto presentibus ibidem Nigello Angussone in assent Nigello Huchounsoun in Laidmoir Renaldo Angussone Retore de Wik in Lewis cum diversis aliis testibus ad praemissa vocatis et rogatis.

Et Ego vero Robertus Innes
Clericus Cathanensis Diocesis—
Not^{us} Publicus etc. etc. etc.

III. CONTRACT BETWEEN RORIE M'CLOID OF THE LEWIS
AND TORQUILL M'CLOID OF THE COGACHE, dated
June 26, 1576.¹

xxvij^o Junij anno Domini etc. lxxvj^{to}.

Sederunt. Domini Sessionis ut in libro Actorum. In presens of the Lordis of Counsale comperit personale Rorie M'Cloid of Lewis on the ane pairt and Torquhil M'Cloid apperand of the Lewis, his sone inlikvys personale on the vther pairt and gair in the contract and appunctuament vnderwrittin subscriuit with ther handis and desyrit this contract and appunctuament to be insert and registrat in the bukis of Counsale to haif the strenth force and effect of ther act and decretit in tyme to cum with letters and executorialls to be direct therupoun in maner specifeit therintill, the quhilk desyre the saids Lords thocht ressounable and therfor hes ordanit and ordanis the said contract and appunctuament to be insert and registrat in the saidis bukis to haif the strenth force and effect of ther act and decretit in tyme to cum and hes interponit and interponis ther auctorite therto and decernis and ordanis letters and executorialls to be direct therupoun in maner specifeit therintill, of the quhilk contract the tenour followis :—

At Halyrudehouse ye xxvj day of Junij the yer of God 1^m v^c lxxvj yeris. It is appointit aggreit and finale contractit betuix thir parteis following, to witt, Rorie M'Cloid of the Lewis takand the burding upoun him for his haill tennentis servandis assistaris adherentis and parttakaris on the ane pairt and Torquill M'Cloid, apperand of the Lewise his sone takand the burding upoun him for his haill tennentis servandis, assistaris, adherentis and par-

¹ Rory and Torquil seem to have been again reconciled—perhaps somewhat forcibly as on the previous occasion—with the result that this agreement was entered into. But their friendly relations did not long continue (*vide ante*, p. 267).

takkaris on the wther pairt in maner forme and effect as eftir followis, that is to say ather of the saidis pairteis takand the burding upoun them as said is, be thir presentis frelie remittis discharges and forgevis wtheris of all maner of heirschippis, vrangis, oppressiounes or vther injurie quhatsumeuir als weill criminall as ciueill committit and done be ather of them or thair foirsaidis to otheris or that onye of thame hes to laye to wthers charges for onye cause or occasiounne bygane preceding the day and dait heiroy (all actiounes alsweill criminall as ciueill concerning Neill Hutcheoune anent the slauchtir and mwrtbour of his fader committit be Neill Angus his sone and compleces and wther causes quhatsumeuir concerning the said Neill Hutchone being exceptit) and siclyk the said Torquill becumis detfullie astrictit and obleist in all tyme cuming during his fatheris lyiftyme quhen and quhow oft he beis requyrit to serve honour and obeye his said father in all and sindrie his actiounes and causes lefull and to concur and assist with hym be hymself his tennentis and servandis in putting of gude ordour, quyatnes and tranquillitie throw all the boundis of thair landis cuntrie and dominiounes and in resisting of the invasioun of quhatsumeuir persounes of forane natiounes that wald pretend in onye tyme cuming to oppres and subdew the cuntrie and inhabitantis thairof; and allse the said Torquell takand the burding vpoun hym as said is bindis and obleissis hym nocht to mak onye trubill impediment molestatiounne or invasioun aganes his said father his tennentis servandis, assistaris and partakeris in the peceabill bruiking josing occupeing and labouring of thair landis, heretages, takkis, steadingis, rowmes, possessiones, or vtheris quhatsumeuir occupeit or pertening to thaim in onye soirt in tyme cuming during his said fatheris lyiftyme and specialie in the bruiking and josing of his landis of Lewis Assent and his part of Wattirness: likas his said fader takand the burding upoun him as said is (except before exceptit) becummis oblist to do the lik with favour and benevolenc to his said sone his tennentis and servandis during the said space. And forther the said Torquill byndis and oblissis him his airis executouris and

assigneis to content and pay to the said Rorie his fader the soume of four hundreth merkis usuale money of this realme betuix the day and dait heirof and the feist of Mydsymmer nixt to cum in the yeir of God 1^m v^e thresoir sevin-tene yeris and that for his said fatheris help and support to the redemptioun lowsing and outquitting of the landis of Wattirness with the pertinentis annaleit and wedsett be him of befor to umquhile Donald M'Conill Gorme in Sky, the said Rorie doing his exact deligence to obtene the saidis landis redemit in the meyntyme: And siclik ather of the saidis pairteis with ane consent and assent byndis and oblissis thame with all deligence nixt eftir thair hame cuming to thair awin boundis and cuntrie at the utmost of thair poweris to follow and persew be ordour of justice to extreme punisement within thair awin boundis and jurisdictioun quhatsumevir persoun or personis duelling within the same being art and part of the slauchter of umq^{le} Huehecoun Angusoun the said Neill Huehecounis fader but ony dissimulatioun or excuse and forther the said Torquill byndis and oblissis him within fiftene dayis nixt eftir his hame cuming to his duelling place of Cogach to rander and cause be renderit and gevin our to the said Neill Huehecoun Angusoun in name and beheft of the said Rory the ile, fortalice, and duelling housz of Assent to be broikit and occupiit be him conform to his rycht thairof and the said ile fortalice and duelling houses therof being swa renderit and gevin our at the randering and our geving thairof the said Neill in name and beheft of the said Rorie sall gif and deliuer to Anguss Duncane and Johne sonis to umquhile Johne Reoch M'Angusoune the thrid pairt of the cuntre and landis of Assent to be broikit and josit be them at the will and plesour of the said Rorie. For the quhilkis caussis the said Rorie sall gif and dispone to the said Torquill his sone the landis office and dewiteis vndirwritin pertening to the said Rorie in lifrent and to the said Torquill in fie to be ane sufficient rent and leving to the said Torquill induring his said father liftyme viz^t ye xx^d land of Croager the xx^d land of the Lochis the aucht merk land of Wattirness with the office of

stewartrie thairof the hail landis of Cogecoche with the hail fredome and ground leif of the same, the thrid part of the ground leyf of the Watteris of the Lewis with the hail partis pendicles and pertinentis of the saidis landis office and ground leif quhatsumevir perteyning or that ony wyse may pertene thairto with power to the said Torquill to uplift the males fermes proffittis and dewiteis thairof in all tymes cuming siclik as his said fader my^t haif done befor the making heirof but ony molestatioun or impediment to be maid to him in the contrair. And alsua the said Rorie sall not remove na maner of persoun nor persons that assistit or tuk part with his said sone during the tyme of the laitt variance and discord betuix thame fra ony maner of takis, stedingis, landis, rowmes, possessiounis or livingis presentlie occupeit be thame nor trubill nor molest thame vtherwise thairintill for the cause forsaid or ony vther cause bygane thay payand the males and dewiteis of the saidis landis to the said Rorie as appertenis. And in caise in ony tyme hereftir the saidis tennentis or ony of thame sal happin to be disobedient to the said Rorie in lefull causses it sall be lesum to him to remoif them or ony of them fra the saidis landis at his plesour. And finale the party breker and contravener of this present contract in ony article point clause or conditioun thairof sall content pay and deliuer to the party observer and kepar of the samen the soume of five thowsand pundis usuale money of this realme as proper dett and interes convenit liquidat and aggreit vpoun betuix the saidis partiis, the falt first being tryit befor ane juge; and for the mair securitie baith the saidis partiis faythfullie byndis and obleissis them to utheris and ar content and consentis that this present contract be actit and registrat in the bukis of Counsale and decernit to haif the strenth of ane act and decreit of the Lordis therof and executorialis of horning or poinding to be direct therupoun in form as effeiris, and to that effect makis and constitutis

and ilk ane of thame jointle and severallie thair laifull procuratouris, committing power to thayme to compeir befor the saidis Lordis and thair to

consent to the registering of thir presents in thair names in the saidis bukis of Counsale as said is, promittendo de rato. In witnes of the quhilk thing baith the saidis parteis hes subscrivit thes present contract with thair handis as followes, daye, yeir and place forsaidis befoir thir witnessis, the nobill and mychtie loirdis James Erle of Mortoun, Loird of Dalkeithe, Regent to our souerane Loird, his realme and lieges, Gilbert Erle of Cassillis Loird Kennede, Adam, bishope of Orknaye, Claude, commendatour of Paslay, William Loird Hay of Yestir, Johone, Loird Hereis, Mark, commendatour of Newbottill, Mr. David Borthuik of Lochhill Advocatt to our souerane loird, and Mr. Alexander M'Kenzie with wthires dyverse. Sic subscribitur

Rorie M'Clويد of the Lewise and Torquill M'Clويد my sone and apperand air w^t our handis at the pen led be the notar vndirwretyne at our command becaus we can nocht wreit our selffis.

Ita est Alexander Hay notarius publicus de mandato dictorum Roderici et Tarquinii ¹ scribere rescientium.

¹ A good instance of the use of a classical for a Celtic name, which it was supposed to resemble.

PAPERS RELATING TO THE ESTATES OF
THE CHISHOLM AND THE EARL OF
SEAFORTH FORFEITED IN 1716

INTRODUCTORY NOTE

KENNETH, fourth Earl of Seaforth, succeeded his father in 1678. He followed King James VII. to France, and *circa* 1690 was created Marquess of Seaforth. He married Lady Frances Herbert, daughter of William, first Marquess of Powis, and died in 1701. He was succeeded by his elder son William, who remained faithful to the exiled royal family, and was attainted for his share in the '15. He was again engaged in the affair of 1719 (see *The Jacobite Attempt of 1719*, vol. xix. of the Society's publications, First Series), and was badly wounded at the battle of Glenshiel, but escaped to France. Thereafter he made his peace with the Hanoverian Government, and was allowed to return to Scotland. He died in the Lewis in 1740.

His estates, along with those of other 'Rebels and Traytors' who had taken part in the rising of 1715, were forfeited and vested in the king for the use of the public. They were placed under the care of a body of thirteen Commissioners,¹ of whom one was Sir Richard Steele, the essayist, and another the notorious Patrick Haldane, 'one of the most ill liked men that ever gave attendance in the Parliament House.'²

¹ By the Act 1 Geo. 1. c. 50. For the proceedings of the Commissioners see *The York Buildings Company*, by David Murray, and also Dr. A. H. Millar's Introduction to the volume of *Forfeited Estates Papers*, Scot. Hist. Soc., First Series, vol. lvii.

² *The York Buildings Company*, p. 10. He was appointed a judge of the Court of Session in 1722. On a petition by the Dean and Faculty of Advocates the Court refused to sustain his appointment. Haldane appealed to the

Each of the thirteen had a yearly salary of £1000—exactly double what was then paid to a Lord of Session—while numerous well-paid subordinate posts were called into existence for the usual purposes and filled in the usual way. At March 1725 the total sum realised by the sale of the forfeited estates was £411,082. After legal claims on the estates had been met there was a balance of £84,043. From this fell to be deducted the emoluments and other expenses of the Commissioners, amounting to £82,936, leaving a net balance of £1107. The result of their operations accordingly was that some fifty old and respectable families were ruined, a number of needy Whigs pocketed a good deal of money, and £1107 was paid into the Exchequer. In 1727 the Commissioners were superseded by the Barons of Exchequer. It had been found impossible to secure a purchaser for the Seaforth estates, and these were ultimately bought back for the family.

The originals of the documents now printed are among the forfeited estates papers in H.M. General Register House. The Commissioners carried on their administration of the Seaforth estates, along with those of The Chisholm and Grant of Glenmoriston, which had been forfeited at the same time, by two local factors, viz. William Ross of Easterfearn, Commissary Clerk of Ross, and his brother, Robert Ross, one of the bailies of Tain. They were apparently ignored by the tenants, and, in the case of the Seaforth mainland estates at least, the rents seem to have been paid to Donald Murchison, the Chamberlain, who

House of Lords, who decided in his favour. The public outcry against him, however, was so effective that the appointment had to be cancelled. In *Scotland and Scotsmen in the Eighteenth Century* (vol. ii. pp. 479 *et seq.*) Ramsay of Ochtertyre says he made 'a great figure in the political world without improving his fortune or his character. . . . There are few instances of more general odium against any man, he being execrated by Whigs and Tories, Episcopalians and Presbyterians,' and he adds in a note (p. 482), 'For a while when the nine of diamonds was turned up at cards it was called "Peter Haldane or the curse of Scotland."'

remitted them to the exiled chief. When it was supposed that things had settled down somewhat, the two factors and their underlings, protected by an escort of the Royal Regiment of North British Fusiliers, set out to make a formal progress through the country under their charge. Leaving Inverness on 13th September 1721 they went first to Glenmoriston and then proceeded up Strathglass to Erchless and Invercannich, where they held courts. A record of these proceedings, with an appended rental of the Chisholm estates, is printed below. Having thus dealt with the Chisholm estates the factors next proposed to enter Kintail, but at Ath-na-mullach (the ford of the Mull folk) the way was blocked by Donald Murchison and his men: shots were exchanged. Easterfearn and his son Walter and some others were wounded. Negotiations followed, and the baffled factors and their escort made their way down Strathglass to Beauly, where young Walter Ross was buried. The story has been told many times, but some new information is given in a paper by Dr. William Mackay in vol. xix. of the Transactions of the Gaelic Society of Inverness. A monument to Donald Murchison, who was afterwards treated by Seaforth with gross ingratitude, stands at Balmacara, erected by his great nephew Sir Roderick Murchison, the eminent geologist, and his loyalty to his unworthy chief is commemorated in the well-known picture by Sir Edwin Landseer in the National Gallery of Scotland.¹

The Seaforth tenantry were left alone for some time, and in 1725 Lord Seaforth, according to M. de Ruvigny (*Jacobite Peerage*, p. 163), made arrangements with his followers for paying their future rent to the Government. A complete rental of the whole Seaforth estates was made up thereafter. Extracts from this rental have appeared in

¹ *Rent Day in the Wilderness.*

various clan histories and elsewhere, and it seems desirable that it should now be made fully available. Like the Chisholm papers it is of interest in many ways. Economically, it shows how these large estates were held, what rents were paid, and of what these were composed, as well as the prices of produce. The names of the tenants will be of value to genealogists ; while their variety seems to have an important bearing on some of the current theories as to the nature and constitution of a Highland clan. An examination of the depositions—also preserved in the Register House—from which the rental was made up shows that a large number of the tenantry had regular tacks and were not mere tenants at will.

I. PAPERS RELATING TO THE CHISHOLM ESTATES

A BAILLIE Court Holden at Erkles for the whole estate of Rodrick Chisholm late of Strathglass the twenty sixth day of September one thousand seven hundred and twenty one years by William Ross of Easterfern, bailly appointed upon the said estate by the honourable the commissioners vested in the forfeited estates in Britane conform to their factory and commission dated the eighteenth day of October last containeing ample powers to them for collecting and levying the rents of the said estate, the said bailly and factors did appoint John Bailly, nottary publict, to be clerk to the court and also appointed the other officers of court and being qualified according to law the judge proceeded as follows :—

Curia legitime affirmata

The said William and Robert Rosses, factors, presented in court executions against the following tennants summonding them and each of them to appear this day and place to pay their rents respective to the said factors in the terms of their commission as also the saids factors presented in court the judical rentall¹ taken by the surveyor general of the forfeited estates in Scotland containeing the yearly rents payable by the tennants underwritten which severall yearly rents the said factors claim, and craved that the same might be decerned to be paid them by the said tennants and each of them for the cropts and year 1715, 1716, 1717, 1718, 1719 and 1720 all inclusive and the said tennants by their names and places of abode being summon'd as aforesaid were called in open court viz. :

¹ *Vide post*, p. 310.

James Forsyth in Breakach and paroch of Kilmoraik of whome the said factors aclaim and demand one pound thirteen shilling and four pence sterling money yearly the said six years with one lamb and two hens yearly or the sum of one shilling one penny halfpenny per lamb and threepence per hen as als they aclaim as aforesaid one wedder yearly or three shillings and four pence money forsaid as price therof, James Forsyth acknowledges possession of Inchichanich in Brechach and depones he payes yearly ten merks Scots but no custome.

Thomas McKinlay Roy in Breckach depones he payes yearly twenty merks and no custome.

Donald McFinlay Roy depones he payes for his possession in Cruenassy twenty pundis and two hens and Alexander McFinlay Roy payes twenty pundis.

Item the said factors do aclaim and demand of Andrew McIver alias McFinlay Roy in Breakach and paroch aforesaid the sum of three pound seventeen shillings nine pence and $\frac{1}{3}$ money forsaid yearly the said six years with three widders and fourteen hens yearly or three shilling and four pence per wedder and three pence per hen. ab.

Jon Fraser in Rinevislagg depones that the whole town payes 120 merks wherof he payes 40, William Camron there payes 20 merks attour three merks and five pence to the minister, and Donald Camron there payes 20 pounds attour stipend, Hector McWilliam Vic Aylin there payes twenty pound yearly attour his share of the stipend to the minister of Kiltarnitie.

Item they aclaim of Donald alias McFinlay Roy, Alexander McWilliam, William Miller, James McIldonich and Donald Forsyth all in Breakach and paroch aforesaid the sum of one pound thirteen and four pence money forsaid each of them yearly the said six years with one wedder, one lamb and two hens each of them yearly or the respective prices aforesaid. The above James McIldonich acknowledges he payes yearly fifty merks yearly; the above Alexander McWilliam depones he payes yearly fourtie five merks; the above Donald Forsyth depones he payes yearly twenty pound Scots, as also the above Donald

McFinlay Roy payes yearly twenty pounds Scots, William Miller ab :

Item they aclaim of Alexander McFinlay Roy in Breackach two pound four shilling five pence and $\frac{1}{3}$ money forsaied yearly the said six years with two hens yearly or price forsaied. Compears and depones he payes yearly twenty pounds Scots.

Item aclaims of Alexander McIldonich in Breakach fourteen shilling nine pence and $\frac{1}{3}$ money forsaied yearly the said six years with two hens yearly or price forsaied. Present acknowledges he payes two pounds Scots yearly.

Item aclaims of Rory McOil Vicrory in Breakach one pound two shillings two pence and $\frac{2}{3}$ money forsaied yearly the said six years with two hens yearly or price forsaied. Absent but his neighbour Donald MacFinlay Roy depones for him that he payes twenty pounds yearly.

Item aclaims of Donald McOil vic Arqr in Breakach two pound ten shillings money forsaied yearly the said six years with two hens yearly or price forsaied. The above Donald McWilliam Arqr depones he payes yearly fifty shillings as above.

Item aclaims of Anguis McNeill in Breakach one pound ten shilling six pence and $\frac{2}{3}$ money forsaied yearly the said six years with two hens yearly or price forsaied. Present depones he payes ten pound Scots yearly.

Item aclaims of Mr. Thomas Chisolm, minister of the gospel at Kilmorack eight pound seventeen shilling nine pence and $\frac{1}{3}$ money forsaied yearly the said six years. Mr. Thomas Chisolm aeknowledges his possession as aclaimed but alleadges he wants his stipend. Robert Ross, factor, contends that Mr. Chisolm haveing been in possession of the vicarage of his own paroch in lieu of the proportion of stipend due to him out of the estate of Strathglass he could not relinquish that possession molum tate [*? motu tali*] without any stress and betake himself to the maines of Erchles quhich lyes in another paroch but it may be presumed he has possessed both, therefore creave decret for the eight score merks yearly aclaimed.

Item aclaims of John McThomas in Erchles, Thomas

McGillespick and Evan McEachan there the sum of one pound thirteen shillings and four pence money forsaied each yearly the said six years with two hens each yearly or price forsaied. The above John McComas is flitt out of Erchles at Whitsunday 1720 and his part of the Maines possessed by the lady. The above Thomas McGillespick payes yearly twenty merks Scots. Ewan McAihan flitt but his land possessed by others come in.

Item aclaims of Miles McCra, Donald McOnell, Alexander McEwen and Thomas McIldonich, all in Erchles, one pound two shillings two pence and $\frac{2}{3}$ money forsaied yearly the said six years, each of them with two hens each yearly or price forsaied. Donald McOnell flitt. Alexander McEwen payes ten merks. Miles McCra payes ten marks. The above Thomas Chisolm alias McIldonich payes yearly fifteen merks.

Item aclaims of Donald McComash in Erchles one pound five shillings money forsaied yearly the said six years with two hens yearly or the forsaied price and further aclaim of the said Donald for his possession of a shealling two pound four shillings five pence and $\frac{1}{3}$ money forsaied as above. Absent.

Item aclaims of Alexander McOnell Vic James Glaiss in Erchles one pound five shillings money forsaied yearly the said six years. Acknowledges only the sowing of two bolls oats, his tack being given to Donald Baine there payes ten merks.

Item aclaims of John McIldonich in Erchles eleven shillings one and $\frac{1}{3}$ penny sterling yearly the said six years with two hens yearly or price forsaied. Absent.

Item aclaims of John Clerk alias Roy in Erchles three pound one shilling one penny and $\frac{1}{3}$ money forsaied yearly the said six years with two hens or price forsaied. The above John Clerk alias Roy depones he payes yearly only fourty merks with a stone of tallow and some other customes such as poultry being etc.

INVERCHANICH.—Item aclaims of Alexander Grant in Inverchanich one pound thirteen shilling and four pence money forsaied yearly the said six years. Present acknow-

ledges his possession and rent as above with one load fir aclaimed and that he paid the six bygone crofts and depones that he payes yearly out of the meall miln.

Item aclaims of Coline Chisolm in Inverchanich, Donald Glass, Hugh McAlaster, Donald McThomas, John McOnachy and John Chisolm all there the sum of sixteen shillings eight pence money forsaied each of them yearly the said six years with two hens yearly each or price aforsaid. Donald Glass depones and acknowledges possession as aclaimed quich he paid for the six bygone crofts to the Lady Dowager. Donald McComa acknowledges as above with customes as the others.

Item aclaims of Alexander Chisolm in Inverchanich sixteen shillings eight pence money forsaied yearly the said six years with two hens yearly or price aforsaid.

COMER.—Item aclaims of Archibald Chisolm in Comermore sixteen pounds thirteen shillings and four pence money forsaied with four wedders, two kidds, two hens, two stone butter and four stone cheese yearly or three and four-pence money forsaied per wedder, one shilling eight pence per kidd, three pence per hen, three shilling four pence per stone cheese and six shilling eight pence per stone butter.

Item aclaims of Christopher McCra in Comermore eight pound six shilling and eight pence money forsaied yearly the said six years with two wedders one kidd two hens, one stone butter and two stone cheese or prices aforsaid. The above Christopher payes one hundred pounds Scots year and that the whole town payes 4 stone butter and 8 stone cheese and four kidds and six hens.

Item aclaims of Alexander McCra, brother to the above Christopher there eight pound six shilling and eight pence money forsaied yearly the said six years with two wedders one kidd two hens one stone butter and two stone cheese or the respective prices forsaied.

Item of Farquhar McEan VicOil VicArquhar in Glen-canich two pound fifteen shilling six pence and $\frac{2}{3}$ money forsaied yearly the said six years with $\frac{1}{2}$ wedder one kidd twelve pound butter and one stone eight pound cheese yearly or the forsaied price.

Item aclaims of Hugh McEan there two pound fifteen shilling six pence and $\frac{2}{3}$ money forsaied yearly the said six years with $\frac{1}{2}$ wedder one kidd twelve pound butter and one stone 8 pound cheese yearly or price forsaied.

Item they aclaim of Alexander McCra there six pound thirteen shillings and four pence money forsaied yearly the said six years with one kidd one stone butter and two stone cheese yearly or price forsaied.

Item they aclaim of Dam Jean McKenzy, Lady Strathglass, two pound eighteen shillings ten pence and $\frac{2}{3}$ money forsaied yearly the said six years as the proportion of cess due by her with two hundred merks as her proportion of stipend due by her yearlie and three hundred merks uplifted out of the lands of Comar More further than the 1200 merks provided to her as also the rents of Mukurach and Corrie extending to 400 merks yearlie as also the rents of Wester Inverchanich and pendicle yrof called Craskie and Miln of Inverchanich extending to at least as 141 lb. as few duty of the said lands.

Item they aclaim of Alexander Chisolm, son to the deceast John Chisolm of Strathglass eleven pound two shillings two pence and $\frac{2}{3}$ money forsaied yearly the said six years with two wedders one kidd two stone butter and four stone cheese yearly or price forsaied and that for his possession in Muecuroch.

Item aclaims of Coline Chisolm in Glencanich three pound two shillings two pence and $\frac{2}{3}$ money forsaied yearly the said six years with one wedder one kidd one pound butter and two pound cheese yearly or price forsaied.

Item of Donald McLellan there three pound two shillings two pence and $\frac{2}{3}$ money forsaied yearly the said six years with one wedder one kidd one stone butter and two stone cheese yearly or price aforsaied.

Item of John McWilliam in Kearnue, John Baine, John Chisolm and John McWilliam VicNeill there two pound fifteen shillings six pence and $\frac{2}{3}$ money forsaied each of them yearly the said six years with two hens yearly or price forsaied.

Item they aclaim and demand of Donald McOildonich,

Donald Chisolm, John McDonald, Alexander McEwen, Donald McAndrew and Donald McEanduy alias Chisolm all in Comer Kirktown the sum of sixteen shilling eight pence money forsaied yearly the said six years with one hen yearly each or price aforsaid. The above Alexander McEwen depones he payes as aclaimed with 2 hens 1 load fir and 15 loads peat which he paid to the Lady Dowager. Donald Chisolm MacIldonich payes 15 and customes as above.

Item aclaims of Coline Chisolm there one pound thirteen shillings and four pence money forsaied yearly the said six years with two hens yearly or price forsaied. Acknowledges possession as above with 1 load fir and 30 loads peats.

Item aclaims of Donald McEan, Donald McDonald, John McDonald and Archibald McWilliam all in Comer Kirktown the sum of sixteen shilling eight pence money forsaied yearly the said six years with two hens yearly or price forsaied.

Item aclaims of James McDonald alias Chisolm and Evan McWilliam in Comer Kirktown one pound five shillings money forsaied yearly each of them the said six years with two hens yearly or price aforsaid.

Item aclaims of John McCra in Wester Comer five pound eleven shilling one and $\frac{1}{3}$ penny sterling yearly the said six years with two hens and eight pound butter yearly or price forsaied and one stone cheese or price above. Present depones he payes as above and that he payes the same yearly for the cess that he possesses the half of the town and the other half possessed by other three tennents who pay twixt them fifty merks and custome as above.

Item they aclaim and demand of Alexander McEan in Wester Comer and of Alexander Chisolm there one pound seven shillings nine pence and $\frac{1}{3}$ money forsaied each of them yearly the said six years with two hens two pound butter and four pound cheese yearly or the price forsaied.

Item they aclaim of Donald McEan VicOil VicArquhar there two pound fifteen shillings six pence and $\frac{2}{3}$ money forsaied with two hens four pound butter and eight pound cheese yearly or price forsaied.

Andrew McFinlay Roy in Breckach of whom the said factor aclames as in page 2 being deeply sworn depones that he possesses eightie merks pay of the said lands and payes of custome $1\frac{1}{2}$ wedder and $1\frac{1}{2}$ year old mutton with 12 poultry and that he had only a verball tack from the Lady Dowager when imployed by her to take up the rents of the said place and depones that the miln and croft therof pay yearly one hundred merks and 12 poultry and that the Lady has none of the land in her own hand and depones that the extent of the rent of the whole lands of Brackach amounts to five hundred and five merks attour one hundred merks payable yearly out of the miln and further depones the lady gave down yearly to the tennents thirty pound Scots and payes neither stipend nor cess and depones that John McCrory and John Oig McCrory pay yearly twenty pounds Scots and that Alexander McKiock payes yearly twenty merks and that the twenty pound given up by Donald Forsyth is of the deponents eighty merks and that all the tennents of Breckach have deponed and given up their respective rents and that James McIl-donich, Alexander McWilliam, Donald Oig and Alexander McFinlay Roy pay each of them yearly one mutton a year old mutton and two poultry.

William Chisolm alias Miller, miller of the Miln of Breckach, depones that the miln and miln croft payes yearly one hundred merks and 12 poultry and that he himself payes ten merks of land rent attour the above miln rent and that he and Alexander McFinlay have the said miln in tack by verball tack.

Att Wester Inverchannah, twenty eighth September one thousand seven hundred and twenty one, Hugh McEwen in Wester Inverchannah compares and depones that he payes yearly for his possession there fifteen merks with two hens and ten load of peats and one load of fir which he paid for the six bygone cropts to the Lady Dowager.

Donald Roy depones he is to pay yearly for his possession there twenty merks one load fir and twelve loads of peat two hens and is ane intrant tennent promises to pay his rent to the factors at next Martimass.

Ewen McHutcheon there depones he payes yearly fifteen merks two hens and one load fir and fifteen loads of peats and paid all bygones to the Lady Dowager promising to pay his rent to the factors next Martimas and further that each merks pay in the town pay one load of peats.

John Chisolm alias Miller, officer, depones he payes yearly fifteen merks and custome as the other tennents but had the same allowed him for his service. The above officer depones againe he payes five merks more than the above fifteen makes twenty.

Alexander Roy MacIvrebiter depones he payes twenty merks two hens one load fir and twenty loads of peat which he paid for the six bygone cropts to the late Chisolm this by his father. The above Alexander Roy depones acknowledges possession as above and promises to pay to the factors at next Martimass.

COMER KIRKTOWN.—Donald McUill in Comer Kirktown depones he payes fifteen merks with 2 hens 1 load and 15 loads peats yearly which he paid to the Lady Dowager for the six bygone cropts.

COMERNIBRUGH.—Ewen Ban in Comernibruigh depones he payes yearly for his possession there twenty two merks and a half.

COMERNIHAWN.—Donald McOil VicUrchy payes 15 merks with customes conform as above.

Alexander McKenzy.

Alexander Grant, Inverchanich, depones that he payes yearly for the meall miln one chalder being at 5 lbs. per boll, one hundred and twenty merks but payes no custome.

EASTER INVERCHANICH.—John McLennan VicCroy in Easter Inverchannich, piper to the late Chisolm, depones he has twenty pounds Scots pay for his service and payes ten merk more to the master being in all fourty merks and paid the above ten merks for the bygone cropts to Theodor Chisolms relict as liferentrix and payes custome conform to the tennents of Wester Inverchanich.

INVERCHANICH WESTER.—Mary Roy and Katherine Neindoil VicWilliam, widows in Wester Inverchanich, pay twixt them yearly for their possession there twelve merks and a half and custome in proportion and conform to the other tennents there.

EASTER INVERCHANICH.—Murdoch McOil VicUrchy in Easter Inverchanich depones he payes yearly for his possession there twenty merks and leading of peats and fir and hens as the tennents of Wester Inverchanich.

Hugh McEan VicHutcheon there being sickly, Mary Fraser, his Mrs., depones for him that he payes twenty pounds.

John McLey there depones he payes yearly twenty merks which he paid for the six bygone cropts to the young Lady Strathglass and payes custome and carriage as the foregoing Alexander McEan VicLey, his son, shares in the above 20 merks.

Mary Fraser, liferentrix of the town, has in her own hand thirty merks pay and that Keneth McEan VicHutcheon payes her yearly ten pounds Scots and the above Hugh twenty pounds.

Katherine McCra there payes her yearly ten pounds Scots.

Jon Baine there payes ten pounds to the young lady.

Farquhar McOil VicArqur there twenty pounds and depones that he and Keneth McEan VicHutcheon possess the grasings of Shalvanach for quich they pay yearly

fourty merks one wedder one kidd 1 stone butter and 2 stone cheese.

Alexander Chisolm, brother to the attainted John Chisolm, late of Strathglass, in Muckuroth, compears and depones he possesses no lands but the lands of Muckuroch for quhich he payes yearly to his mother the Lady Dowager two hundred merks Scots with two stone butter and four stoness cheese two wedders and one kidd and that Alexander Chisolm, his nephew, a child of seven year old, possesses the graseings of Corrie, Glascory and Milardie by cowes complimented him by Archibald Chisolm, his foster father, and that the rent of Corrie and Glascory is two hundred merks and Milardy one hundred and that they pay custome conform to the land, he labours in proportion to the rent and viccarage paid to the minister for his stipend.

Coline Chisolm MacComas in Lecodorie of Glencanich depones he payes yearly twenty five merks being one fourth of the town and Coline McIllespick, his nephew, depones he possesses as his uncle and that Alexander Chisolm McEan and Donald Oig pay twenty five merks each of them and that the town payes two stoness butter and four stoness cheese with two wedders and two kidds with one load fir.

The above Alexander Chisolm depones cumprecedente as does Donald Oig.

KEARRUE.—Jon McWilliam VicAlister in Kearrue depones he payes yearly twenty pounds Scots and that there are only four tennents in the town who pay each of them twenty pound with two hens each.

CRASKY.—Alexander Chisolm McIllespick in Crasky depones he possesses the whole lands of Crasky for which he payes yearly one hundred merks with one stone butter and two stone of cheese and other customes conform to Glenkyndies rental.

The said Robert Ross, factor forsaid, insists and creaves that John Chisolm of Knockfin make payment to him of the rents of the lands of Easter Wester and Midle Knockfins the sheallings and graseings of Quillivie sheallings

and grasings of Annamulach. John Chisolm of Knockfin present acknowledges possession of these lands and contends that he cannot be obliged to make payment of the rent of any part of these lands in regard he possesses the same by virtue of a contract of wadset past betwixt the deceased Alexander Chisolm of Comer, grandfather to the person attainted and Coline Chisolm of Knockfin, his father, whereby the said lands were impignorat and wadset to him for the sum of twelve thousand merks Scots money and till redemption of the lands he has good right to uplift the rents and apply them to his own use for proving whereof he produces his said father's saisines in the said lands under the hand of Alexander Fraser, nottar publict, and registrat at Chanory the 15th day of August one thousand six hundred three score nineteen years and denies that the rents of the lands exceeds the annual rent of his money the proportion of stypend to the minister and cess being deduct his proportion of stipend being fourty three merks yearly for which he obtained the minister's discharge, to which the pursuer replies that Knockfin should be obliged to produce the warrands of the saisines and he and his tennents obliged to depone upon the extent of the rentall. To which its duplyed by John Chisolm of Knockfin that neither he nor tennents are by law obliged to make faith upon the extent of the rent of the samen lands since his father and he have possessed the samen thir fourty years and upward by virtue of the said reall contract of wadset and infestment above produced, and that he possesses no lands belonging to the person attainted. Answer'd for the factor that granting Knockfin had a right of wadset upon the estate, it is ane incumbrance which should have been entered and claim made therupon before the commissioners before the first of February 1717 else by the law it was null and void and likewise the commissioners and their stewarts and factors are impowred and particularly required to take tryall of all the incumbrances affecting the forfeited or forfeitable estate and the quantities and qualities therof and under what yearly rent covenant or contracts the same were

holden and of the true and outmost yearly value therof and to accompt for the profits of the saids estates into the Exchequer of England or Scotland untill seall therof.

The bayly ordaines Knockfin and tennents to depone upon the value of their possessions. Knockfin creaves the dyet may be delayed till he be ripe to depone upon his rents.

Att Inverchannah the twenty ninth day of
September one thousand seven hundred
and twenty one years.

John Chisolm of Knockfin compeared and produced the contract of wodset the nineteenth day of August one thousand six hundred and seventy eight years which is the title by which he possesses and is the warrand of the saisine formerly produced and contends that he is not obliged to depone upon the rents in regard it is a proper wodsett and be lyable for all publict burdens and take hazard of the rents nevertheless for satisfaction to the commissioners of enquerie he is willing to depone.

John Chisolm of Knockfin being solemnly sworn depones that the rent of Easter Wester and Midle Knockfins with the grasings of Quillivie and Annamulach with their pendicles possessed by him be virtue of the said contract are of yearly rent five hundred pounds Scots and no more out of which he pays to the minister of Kilmorach fourty three merks and four pounds Scots to the late Chisolm of Strathglass reverser together with payment of cess and other publict burdens in which he is dearly valued being stated at five hundred merks valuation and this is the truth as he shall answer, John Chissolme.

Robert Ross, factor forsaid, insist against Hugh Fraser for the rents of Mauld for the six bygone cropts and the current cropt.

Hugh Fraser in Mauld compearing produces contract of wodsett betwixt Alexander Chisolm of Comer and Mr. Hugh Fraser, minister of Kiltarnitie, wherby the saids lands of Mauld were wadsett to the said Mr. Hugh Fraser

in securitie of one thousand pound Scots and which contract and sums therein contained the said Mr. Hugh Fraser disposed in favours of Hector Fraser in Mauld, father to the defender, and he has possessed ever since and for which he has his claime duly entered before the commissioners. Answered by the factor that by the contract produced there is ane hundred and ten merks of ane overplus rent due by the defender yearly which he should be decerned to pay and crave that he be obliged to depone upon the rent of the lands and value the publick burdens if he was stressed therto. Hugh Fraser answers that although by the contract ther is ane hundred and ten merks reserved payable to the reverser yet there is due to him another bond of a thousand pound whereon he has a claim depending before the commissioners and craves that no sentence pass against him till the determining the claim and depones that the yearly value and rent of the saids lands of Mauld as he possesses them was never above one hundred pounds Scots and worth no more yearly and that there are no more tennents on the ground but himself and cannot write. The bayly ordaines Hugh Fraser to report the commissioners sentence before term of Mertimass next with certificatione to him he shall be decerned in the above overplus rent.

Robert Ross, factor forsaid, insists against Mary Fraser, relict of Theodore Chisolm, brother to the deceast John Chisolm of Comer and craves she may be decerned to make payment of the rents of Easter Inverchanich extending yearly to the sum of one hundred pounds Scots. William Fraser of Kilboky compearing for the said Mary Fraser, his daughter, produced ane tack past betwixt the deceast John Chisolm of Comer and Theodore Chisolm, her husband, wherby the saids lands was sett in tack to her husband in security of two thousand merks then delivered to the said John Chisolm of Comer and the rent of the said lands allowed to be detained for payment of the annual rents of the said sum as the said tack dated the 7th day of February 1701 years bears in which possession she has continued ever since the decease of the decease of her said

husband and retains the rent therof in her hands in regard she has another bond due taken in liferent for the like value granted of the said Theodore Chisolm, her husband, and John Chisolm forsaid as cautioner which bond was also produced by the said William Fraser of Kiltboky. The bayly ordaines the said Mary Fraser to compear and depone upon her rent.

Robert Ross, factor forsaid, aclames of John Fraser thirty five merks Scots for his possession of a part of the Maines. John Fraser acknowledges possession as above and promises payment of his rent againe Mertimass come a twelve moneth.

Robert Ross, factor, insists against Coline Chisolm, younger of Knockfin, for payment of the rents of the lands of Pontait extending to six hundred merks yearly. Coline Chisolm, younger of Knockfin, compears and for Alexander Grant of Sheoglie and produces chartour with the grounds therof of appryzeing under the great seall upon the whole estate of Strathglass holding of the King to the said Alexander Grant of Sheogly for the summe of 4800 and be virtue of which he possesses the lands of Potait and creaves absolvitor for himself and the other possessors his subtennants of that land seeing also there is a claim entered therupon in terms of the act of parliament and the said Coline Chisolm creaves a farther day to take his oath.

Inverchannich, twenty eight September 1721 years.

Coline Chisolm, younger of Knockfin, depones that he is principall tacksman to Alexander Grant of Sheogly in the lands of Bontait and meall miln thereof and that he payes yearly four hundred merks as rent of the lands and that the miln is in his own hand and therefore does not know the rent of it but that some years it yields him abowt six bolls and some years eight bolls part bear meall and part oat meall and depones that he and his subtennants in the town payes the minister's stipend and the King's cess attour the said miln rent and four hundred merks but that he payes

no custome nor carriage to sheogly and this is the truth as he shall answer to God,—Coline Chisolm.

Alexander Chisolm, brother to the attainted person, depones that he possesses no lands but the lands of Muckuroch for which he payes yearly to his mother the Lady Dowager, two hundred merks Scots with two stones butter and four stones sheep two wedders and one kidd and that Alexander Chisolm, his nephew, a child of 7 or 8 years old possesses the grasings of Corrie and Glascory and Milordie by cowes complimented him by Archibald Chisolm, his foster father, and that the rent of Glascory and Carry is two hundred merks and Milardie one hundred merks and custome conform to the lands he labours proportionally to their rent viccarage allways paid to the minister for his stipend and that his mother has no land in her own hand. This is truth as he shall answer.—Alex^r. Chissolme.

* RENTAL of the REAL ESTATE quhich belonged to

Number of Depositions.	Tennents' Names.	Silver Rent.
	<i>Paroch of Kilmorack.</i>	£ s. d.
1.	James Forsyth in Breckach	1 13 4
2.	Andrew McIver there	3 17 9 ³ / ₄
3.	Donald McIver in Breckach	1 13 4
	Alexander McWilliam pd.	1 13 4
	William Miller there pd.	1 13 4
	James McIlldonich there pd.	1 13 4
	Donald Forsyth there	1 13 4
4.	Alexander McIver there	2 4 5 ¹ / ₂
5.	Alexander McIlldonich there pd.	14 9 ¹ / ₂
6.	Rory McOil VicRory there	1 2 2 ³ / ₄
7.	Donald McOil VicOil VicFarquhar there	2 10
8.	Angus McNeill there	1 10 6 ³ / ₄
9.	Mr. Thomas Chisholm, minister of the gospel att Kilmoran	8 17 9 ³ / ₄
10.	John McThomas in Erckles	1 13 4
	Thomas McGilespick there pd.	1 13 4
	Evan McEachan there paid	1 13 4
11.	Myles McRaw there	1 2 2 ³ / ₄
	Donald McOnell there paid	1 2 2 ³ / ₄
	Alexander McEwen there pd.	1 2 2 ³ / ₄
	Thomas McIlldonich there pd.	1 2 2 ³ / ₄
12.	Donald McComash there	1 5
	Do. for a shealling	2 4 5 ¹ / ₂
	Alexander McOnell there pd.	1 5
13.	John McOildonich	11 1 ¹ / ₂
14.	John Clark in Erckles	3 1 1 ³ / ₄
15.	Alexander Grant in Inverchanich	1 13 4
16.	Colin Chisholm in Inverchanich	16 8
	Donald Glass there pd.	16 8
	Hugh McAlaster there paid	16 8
	Donald McThomas there paid	16 8
	John McOnachy there pd.	16 8
	John Chisholm there pd.	16 8
	Alexander Chisholm there pd.	16 8
17.	Archibald Chisholm in Comer	16 13 4
18.	Christopher McRaw there	8 6 8
	Alexander McRaw there paid	8 6 8
19.	Farquhar McEan VicOil VicErqr in Glencannich	2 15 6 ³ / ₄
	Hugh McEan there paid	2 15 6 ³ / ₄
20.	Alexander McRaw there	6 13 4
21.	Jean McKenzie, Lady Strathglass pd.	2 18 10 ³ / ₄
	Alexander Chisholm, son to the deceast Jon Chis- holm of Strathglass pd.	11 2 2 ³ / ₄
22.	Cohn Chisholm in Glencanich	3 2 2 ³ / ₄
	Donald McLellan there pd.	3 2 2 ³ / ₄
23.	John McWilliam in Comer Kirktoon	2 15 6 ³ / ₄
	John Broun there pd.	2 15 6 ³ / ₄
	John Chisholm there pd.	2 15 6 ³ / ₄
	John McWilliam McNeil there pd.	2 15 6 ³ / ₄
24.	Donald McOildonich there	16 8
	Donald Chisholm there pd.	16 8
	John McDonald there pd.	16 8
	Alexander McEwen in Comer Kirktoon	16 8
	Donald McAndrew there pd.	16 8
	Donald McEanduiy alias Chisholm there pd.	16 8
25.	Cohn Chisholm there	1 13 4
26.	Donald McEan there	16 8
	Donald McDonald there pd.	16 8
	John McDonald there pd.	16 8
	Archibald McWilliam there pd.	16 8
27.	James McDonald alias Chisholm there	1 5
	Evan McWilliam there pd.	1 5
28.	John McRaw in Wester Comer	5 11 1 ¹ / ₂
29.	Alexander McEan there	1 7 9 ¹ / ₂
	Alexander Chisholm there pd.	1 7 9 ¹ / ₂
30.	Donald McEan VicOil VicErqr there	2 15 6 ³ / ₄
	Sume total	£156 14 2 ³ / ₄

* This rental was apparently made up from the sworn depositions referred to in the first column.

II. RENTAL OF THE SEAFORTH ESTATES

So far as the Lewis is concerned this rental was made up after a formal inquiry held in the island, the details of which are contained in a document in the Register House, entitled 'Judicial rental or amount of y^e real estate of William, late Earle of Seaforth, in the Island of y^e Lewes, taken by Mr. Zacharias M'Auley, one of the Deputies to Edmond Burt, Esq., Receiver-General of y^e rents and profites of the unsold forfeited estates in North brittain upon oaths or depositions of the respective Tennants of the Lewes in presence of Kenneth Campbel, Substitute Bailie of the Baron Court within the said Island, by vertue of a Commission from Kenneth M'Kenzie of Dundonnell, Deputie receiver of the rents of the Estate of Seaforth, dated y^e Twenty-sixth day of Aprile 1726, att Stornoway.'

From this document it appears that in many cases a township was held jointly, each tenant being liable for a fixed proportion of the cumulo rent. Where this is so an excerpt has been made from the depositions and added within square brackets to the rental now printed.

The rental of the rest of the Seaforth Estates appears to have been made up as the result of similar local inquiries held at different times. The records of these are also among the forfeited estates papers.

RENTALL OF THE FORFEITED ESTATE BELONGING TO THE LATE EARL OF SEAFORTH

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Mony.		
						£	s.	d.
<i>Isle of Lewes.</i>								
1. Mr. Colin Mackenzie .	Arinish	Loches	..	..	..	100		
2. John Mackenzie .	Rarnish	Ditto	..	..	..	200		
3. William Mackenzie .	Learbost	Ditto	6	6	..	116	18	8
4. Kenneth McEiver .	Kioss	Ditto	7	6	..	132	1	4
5. Widdow Mackenzie .	Laxay	Ditto	3	2	..	68	9	4
6. Rory Mackenzie .	Waltos	Ditto	3	2	..	54	16	8
7. John McEiver .	Bellallan	Ditto	10	5	..	103		
8. Donald Mackenzie .	Seaforth	Ditto	..	..	..	40		
9. Kenneth Mackenzie .	Shant	Ditto	..	..	..	53	6	8
10. Alexander Mackenzie	Saint Columbs	Ditto	..	..	..	222	4	6
11. Alexander Mackenzie	Habost	Ditto	..	..	..	111	2	4
12. Donald McAulay .	Melista	Uig	3½	2 10	2 1	104	5	8
13. John McAulay .	Ditto	Ditto	3½	2 10	2 1	104	5	8
14. Malcolm McAulay .	Carnish	Ditto	..	..	..	66	13	4
15. Donald McAulay .	Adderaivill	Ditto	3	3	3	106	13	4
16. Malcolm Smith .	Craulista	Ditto	3	2	2	96	3	4
17. Alexander Mackenzie	Belnakiel	Ditto	1½	1	2	60	12	
18. George Mackenzie .	Ditto	Ditto	1½	1	2	60	12	
19. Donald McAulay .	Vaḡtos	Ditto	3	2	3	91	3	4
20. Ditto for	Pabbay	Ditto	3	2	3	79	12	
21. Rory McLennan .	Kneep	Ditto	3	2	1	84	5	4
22. Widdow McAulay .	Berva	Ditto	3	2	3	85	2	
23. John McLeod .	Haclet	Ditto	3½	2 5	1 2	80	18	
24. Donald McLeod .	Airshadder	Ditto	1½	15	1 2	26	19	8
25. Widdow McLeod .	Hopsin or	Ditto	..	..	..	83	9	4
26. Widdow Mackenzie .	Bosta	Ditto	..	..	..	83	9	4
27. Murdo McLennan .	Ditto	Ditto	..	..	..	83	9	4
28. Alexander McLennan	Berneraveg	Ditto	2	1	1 1 2	34	6	8
29. Farquhar McLennan	Ditto	Ditto	2	1	1 1 1	34	6	8
30. Angus McNicholl .	Ditto	Ditto	2	1	1 1 1	34	6	8
31. John McAulay .	Kirkabost	Ditto	3	2	1	178	3	4
32. Angus McAulay .	Linsader	Ditto	2	2	2	104	15	4
33. John Mackenzie .	Callarnish	Ditto	2	2	1	48		
34. Aulay McAulay .	Breskell	Ditto	3	2	2	61	16	
35. Widdow McEiver .	Tolisk	Carlava	3	..	1	85		
36. Donald McEiver .	Kerevig	Ditto	1	1	1	41	4	
37. Mr. Kenneth McEiver	Upper Carlava	Ditto	3	1	..	242	13	4
38. Kenneth Mackenzie .	Delinore	Ditto	2	1	1	54	10	8
39. William Mackenzie .	Delbég	Ditto	1	10	2	27	5	4

[Apeared personally the inhabitants of Shabost in the parish of Claddich as they are listed below (Nos. 40-83), who deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, and make oath that they have their present possession of the town of Shabost for the sume of two hundred and twenty four pounds sixteen shillings Scots money, threety eight bolls one firlothe meal, twelve stones butter and twelve mutton and that they thus depone they yearly paid for their possession of Shabost divided in the respective proportions in the following list and no more which is the rent they pay'd some years by past. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.				Scots Mony.				
					st. lb. oz.	B.	F.	P.	L.	£	s.	d.	
40. Peter McCoile .	Shabost	Cladach	$\frac{1}{2}$	10		1	2	1	2	$\frac{1}{2}$	9	7	4
41. John McHepharick .	Ditto	Ditto	$\frac{1}{2}$	10		1	2	1	2	$\frac{1}{2}$	9	7	4
42. John McInish Ean Vane .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
43. Murdo McHormoid .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
44. Peter McCoil VicInis .	Ditto	Ditto	$\frac{1}{2}$	6 4		1					5	17	6
45. Murdo McVurchie VicNeil .	Ditto	Ditto	$\frac{1}{2}$	6 4		1					5	17	6
46. John McVurchie VicEan .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
47. Duncan McInis VicEan VicUrchy .	Ditto	Ditto	$\frac{1}{2}$	2 8		1	2	1	$\frac{1}{2}$		2	6	10
48. Christian Inis Doil VicHormoid .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
49. Norman Baine .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
50. Rosie McGillichallum	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
51. John McUrchie Ken Roy .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
52. Normand MacEan Vane .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
53. John McOil Vane .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
54. Malcolm McCoil Ken Roy .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
55. Duncan McIlphadrick	Ditto	Ditto	$\frac{1}{2}$	7 8		1	0	3			7	6	6
56. Kenneth Gow .	Ditto	Ditto	$\frac{1}{2}$	2 8		1	2	1			2	6	10
57. Murdo McFinlay .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
58. John McFinlay Roy .	Ditto	Ditto	$\frac{1}{2}$	5		3	0	3			4	13	8
59. Malcolm McFinlay Roy	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
60. Katherine Inis VicEan .	Ditto	Ditto	$\frac{1}{2}$	2 8		1	2	1	$\frac{1}{2}$		2	6	10
61. John McOil Viclle Challum .	Ditto	Ditto	$\frac{1}{2}$	2 8		1	2	1	$\frac{1}{2}$		2	6	10
62. Malcolm McEan Kinley	Ditto	Ditto	$\frac{1}{2}$	3 12		2	1	2			3	10	4
63. Donald McHuiston .	Ditto	Ditto	$\frac{1}{2}$	3 12		2	1	2			3	10	4
64. Murdo McCoil .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
65. John McWilliam .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
66. Murdo McGilchrist .	Ditto	Ditto	$\frac{1}{2}$	6 4		1					5	17	6
67. Malcolm McAulay .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	0	6
68. Donald McOil Vicllechallum a Inis .	Ditto	Ditto	$\frac{1}{2}$	3 12		2	1	2			3	10	4
69. Patrick McFinlay .	Ditto	Ditto	$\frac{1}{2}$	6 4		1					5	17	6
70. Duncan McFinlay Vane	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
71. Neal McEan .	Ditto	Ditto	$\frac{1}{2}$	7 8		1	3	$\frac{1}{2}$			7	6	6
72. Murdo McIllephadrick	Ditto	Ditto	$\frac{1}{2}$	6 4		1					5	17	6
73. John Bane McCoil .	Ditto	Ditto	$\frac{1}{2}$	5 0		3	3				4	13	8
74. Murdo McInis Cunchie	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
75. Finlay McUrchy Neal	Ditto	Ditto	$\frac{1}{2}$	3 12		2	1	2			3	10	4
76. Donald McGillichallum Ken Inis .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
77. Gill Mitchell .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
78. John McIllichallum Cunchy .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
79. Hustoin McEan .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
80. Donald McIllichallum Cunchy .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
81. Murdo McIllichallum Cunchy .	Ditto	Ditto	$\frac{1}{2}$	5		3	3				4	13	8
82. Angus McCoil's Relict	Ditto	Ditto	$\frac{1}{2}$	2 8		1	2	1			2	6	10
83. John McCoil Cuiston	Ditto	Ditto	$\frac{1}{2}$	3 12		2	1	2			3	10	4
84. Murdo Macaulay .	Bragar	Ditto	10	9		3	2	2			247	10	8

RENTAL OF THE SEAFORTH ESTATES 315

[Apeared personally the inhabitants of Arnoll in the parish of Cladach as they are listed below (Nos. 85-95), who being deeply sworn and interrogat what rent they used to pay to William, late Earl of Seaforth, make oath that they have their present possession of the town of Arnoll for the sume of sixtie eight pound sixteen shillings Scots money, threteen bolls meal, four stone butter and six mutton and that they thus depone they yearly paid for their possession of Arnoll divided in the respective proportions in the following list and no more which is the rent they paid for some years past. This is the truth as they answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.		Scots Mony.		
				st. lb. oz.		B. F. P. L.		£	s.	d.
85. Arnold Donald McEan Valich . . .	Arriol	Cladach	$\frac{12}{16}$	10	1	2	2	8	12	
86. John McInis Ire . . .	Ditto	Ditto	$\frac{12}{16}$	10	1	2	2	8	12	
87. Arnol Donald McCoile VicHormoid . . .	Ditto	Ditto	$\frac{12}{16}$	10	1	2	2	8	12	
88. Donald McCoile . . .	Ditto	Ditto	$\frac{9}{16}$	7	8	1	3	2	6	9
89. Normand McCoil Neal . . .	Ditto	Ditto	$\frac{5}{16}$	5			3	1	4	6
90. John McUllem . . .	Ditto	Ditto	$\frac{9}{16}$	7	8	1	3	2	6	9
91. Angus McHormoid . . .	Ditto	Ditto	$\frac{9}{16}$	7	8	1	3	2	6	9
92. John McCoil Hormoid's Relict . . .	Ditto	Ditto	$\frac{9}{16}$	7	8	1	3	2	6	9
93. Angus McEn . . .	Ditto	Ditto	$\frac{9}{16}$	7	8	1	3	2	6	9
94. John McCoil Ken Valish . . .	Ditto	Ditto	$\frac{5}{16}$	5			3	1	4	6
95. Murdo McHormoid . . .	Ditto	Ditto	$\frac{2}{16}$	2	8		1	2	2	3
96. Donald McEiver . . .	Nether Barvas	Ditto	..	..	..	..	..	166	13	4
97. Widdow McAulay . . .	Ditto	Ditto	..	..	..	..	..	166	13	4
98. Donald Morrison . . .	Upper Barvas	Ditto	..	..	..	..	..	169	12	

[Apeared personally the inhabitants of Neather Shadir and parish of Claddach as they are listed below (Nos. 99-117), who being deeply sworn and interrogat what rent they used to pay to William, Earle of Seaforth, make oath that they have their present possession of the town of Neather Shadir for the sume of one hundred and fiftie four pounds Scots money, threeteen bolls meal, four stone sixteen pounds butter and six mutton and that they thus depone they yearly paid for their possession of Shabost divided in the respective proportions in the following list and no more which is the rent they paid for some years by past. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.		Scots Mony.		
				st. lb. oz.		B. F. P. L.		£	s.	d.
99. John McVrebider . . .	Nether Shadir	Cladach	$\frac{1}{2}$	8	1	1	1 $\frac{1}{2}$	13	13	4
100. Angus McCoil Oig . . .	Ditto	Ditto	$\frac{1}{2}$	8	1	1	1 $\frac{1}{2}$	13	13	4
101. Donald McInnis Calster . . .	Ditto	Ditto	$\frac{1}{2}$	8	1	1	1 $\frac{1}{2}$	13	13	4

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.			Scots Mony.		
				st. lb. oz.	B. F. P. L.	ℓ	s.	d.	ℓ	s.	d.
102. Malcolm McAlister .	Nether Shadir	Cladach	$\frac{1}{2}$	8	1	1	$1\frac{1}{2}$	13	13	4	
103. Malcolm McEan Kinnis . . .	Ditto	Ditto	$\frac{3}{8}$	6		3	1	10	5		
104. Murdo McIllechal- lum Oig . . .	Ditto	Ditto	$\frac{3}{8}$	6		3	1	10	5		
105. Peter McOil . . .	Ditto	Ditto	$\frac{3}{8}$	6		3	1	10	5		
106. John McAlister . . .	Ditto	Ditto	$\frac{3}{8}$	6		3	1	10	5		
107. Donald McEan Coil .	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
108. Ranald McEan Oig .	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
109. John Oig McEan . .	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
110. Alexander McEan Kinnis . . .	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
111. Malcolm McEan Kinnis . . .	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
112. Donald McEan Oig	Ditto	Ditto	$\frac{1}{4}$	4		2	$2\frac{2}{3}$	6	16	8	
113. Murdo McInnis Calster . . .	Ditto	Ditto	$\frac{1}{8}$	2		1	$1\frac{1}{3}$	3	8	4	
114. John McCormoid Curchie . . .	Ditto	Ditto	$\frac{1}{8}$	2		1	$1\frac{1}{3}$	3	8	4	
115. Normand McCurchie Kinis . . .	Ditto	Ditto	$\frac{1}{16}$	2		1	$1\frac{1}{3}$	3	8	4	
116. Allan Morrison . . .	Ditto	Ditto	$\frac{1}{16}$	5		2	$2\frac{3}{4}$	8	10	10	
117. Normand McCoil Kinnis . . .	Ditto	Ditto	$\frac{5}{16}$	5		2	$2\frac{3}{4}$	8	10	10	

[Apeared personally the inhabitants of Upper Shadir and parish of Cladach as they are listed below (Nos. 118-128), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their possession att present of the town of Upper Shadir for the sume of ninety six pounds Scots money seventeen bolls and eight pecks meal six stones butter and eight mutton and that they thus depone they yearly paid for their possession of Upper Shadir and no more, divided into the respective proportions in the following list and which is the rent they paid for some years past. This is the truth as they shall answer to God. Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.			Scots Mony.		
				st. lb. oz.	B. F. P. L.	ℓ	s.	d.	ℓ	s.	d.
118. Peter McEan . . .	Upper Shadir	Cladach	$\frac{3}{16}$	11	4	1	2	2	1	9	
119. Donald McEan . . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
120. Donald McCoil Cun- chie . . .	Ditto	Ditto	$\frac{3}{16}$	7	8	1	1	2		6	
121. Malcolm McHormoid	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
122. Donald McCoil Coorie . . .	Ditto	Ditto	1	15		2	3			12	
123. Murdo McCoil Cur- chie . . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
124. Malcolm McEan Calster . . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
125. William McNeal . . .	Ditto	Ditto	$\frac{3}{16}$	7	8	1	1	2		6	
126. John Mackenzie . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
127. William McCoil Cur- chie . . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	
128. Angus McWilliam . .	Ditto	Ditto	$\frac{3}{16}$	11	4	1	2	2	1	9	

RENTAL OF THE SEAFORTH ESTATES 317

[Apeared personally the inhabitants of Five Penny Borve and parish of Claddach as they are listed below (Nos. 129-144), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their possessions att present of the town of Five Penny Borve for the sum of one hundred and twenty pounds Scots money six bolls fourteen pecks meal two stones butter and ten mutton and that they thus depone they yearly paid for their posession of Five Penny Borve divided into the respective proportions in the following list and no more which is the rent they paid for some years past. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Mony.
				st. lb. oz.	B. F. P. L.	£ s. d.
129. John McHormoid .	Five Penny Borve	Claddach	1	1	2 2 3	12
130. John McIllechallum	Ditto	Ditto	3	15	2	9
131. Angus McNeil .	Ditto	Ditto	3	15	2	9
132. William McHomais	Ditto	Ditto	3	15	2	9
133. Malcolm McCoil Oig	Ditto	Ditto	3	15	2	9
134. Donald McIllevitchell .	Ditto	Ditto	3	15	2	9
135. Angus McIllevitchell	Ditto	Ditto	3	15	2	9
136. John Oig McEan .	Ditto	Ditto	3	15	2	9
137. Donald McIllichrist	Ditto	Ditto	3	12 8	1 2 2 3	7 10
138. Donald McCoil Oig .	Ditto	Ditto	3	12 8	1 2 2 3	7 10
139. Kennith McIllechallum .	Ditto	Ditto	5	12 8	1 2 2 3	7 10
140. Duncan McIllechrist	Ditto	Ditto	5	10	1 1 1 2	6
141. Angus McFinlay .	Ditto	Ditto	3	7 8	1 1	4 10
142. Malcolm McEan Oig	Ditto	Ditto	3	7 8	1 1	4 10
143. John Keeard .	Ditto	Ditto	3	7 8	1 1	4 10
144. Donald Keerd .	Ditto	Ditto	4	5	2 2 3	3
145. Widdow Morison, Elder .	Mid Borve	Ditto	..	..	2	16 18 4
146. Widdow Morison, Younger .	Ditto	Ditto	..	..	4	33 16 8
147. William Ross .	Ulbost	Ditto	2	2	1	91 9 4

[Apeared personally Evander Morison, Angus Morison, Rorie Mathewson and Alexander Morison in South Galson and parish of Ness, who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have tack of their present posession for the sume of one hundred and fiftie two pounds Scots money (divided as below) and that they thus depone they yearly paid for their posession of South Galson and no more which is the rent they paid these six years past. This is the truth as they shall answer to God.

EVANDER MORISON ; ANGUS MORISON ;
ROR. MATHESON ; ALLEXR. MORISON ;
KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Money.	
				st. lb. oz.	B. F. P. L.	£	s. d.
148. Evander Morison .	South Galson	Ness	..	..	..	52	5
149. Angus Morison .	Ditto	Ditto	..	..	..	52	5
150. Rory Mathewson .	Ditto	Ditto	..	..	..	38	
151. Alexander Morrison	Ditto	Ditto	..	..	..	9	10

[Apeared personally the inhabitants of North Galson and parish of Ness as they are listed below (Nos. 152-175), who being deeply sworn and interogat what rent they used to pay to William, Earle of Seaforth, make oath that they have their present posession of North Galson for the sume of one hundred and fourtie four pounds Scots money, threety two bolls four pecks meall and twelve stone butter, twelve mutton and that they thus depone they yearly paid for their posession of North Galson divided in the respective proportions in the following list and no more, which is the rent they pay'd for some years bypast. This is the truth as they shall answer to God. Cannot write, KENNETH CAMPBELL]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Money.	
				st. lb. oz.	B. F. P. L.	£	s. d.
152. Widdow Frazer .	North Galson	Ness	1	10	1 1 1 2	6	
153. Rorie Baine .	Ditto	Ditto	1	10	1 1 1 2	6	
154. Normand McWurchie	Ditto	Ditto	1	5	2 2 3	3	
155. Murdo McEan Kneel	Ditto	Ditto	1	15	2 1	9	
156. John McAlister Candras .	Ditto	Ditto	3	7 8	1 1/2	4	10
157. John McEan .	Ditto	Ditto	1	10	1 1 1 2	6	
158. John McUldonich .	Ditto	Ditto	1	15	2 1	9	
159. McInis Ken's Relict	Ditto	Ditto	1	10	1 1 1 2	6	
160. Angus Baine .	Ditto	Ditto	1	10	1 1 1 2	6	
161. John McCoile Coile Vane .	Ditto	Ditto	1	10	1 1 1 2	6	
162. Alexander McCoile Coile Vane .	Ditto	Ditto	1	10	1 1 1 2	6	
163. Donald McNeal .	Ditto	Ditto	1	12 8	1 2 2 3 1/2	7	10
164. John McHormoid .	Ditto	Ditto	1	12 8	1 2 2 3 1/2	7	10
165. Neal McEan Vane .	Ditto	Ditto	1	10	1 1 1 2	6	
166. Angus McCoil Coil Vane .	Ditto	Ditto	3	7 8	1 1/2	4	10
167. Angus McHormoid .	Ditto	Ditto	3	7 8	1 1/2	4	10
168. Angus McCurchie .	Ditto	Ditto	1	10	1 1 1 2	6	
169. John Revich .	Ditto	Ditto	1	5	2 2 3	3	
170. Malcolm Taylor .	Ditto	Ditto	1	12 8	1 2 2 3 1/2	7	10
171. Angus Ean Coile .	Ditto	Ditto	1	15	2 1	9	
172. Angus McIllehallum	Ditto	Ditto	1	12 8	1 2 2 3 1/2	7	10
173. Murdo McCoile Coile Vane .	Ditto	Ditto	3	7 8	1 1/2	4	10
174. Murdo McAlister Candras .	Ditto	Ditto	3	7 8	1 1/2	4	10
175. Murdo McHormoid .	Ditto	Ditto	3	7 8	1 1/2	4	10
176. Widdow Morison and Thomas Mackenzie	South Dell	Ditto	5	2	1 3 2	152	
177. Donald Morison and Allan Morison .	North Dell	Ditto	5	2	1	152	
178. Duncan Mackenzie Donald Morison Kenneth Morison	Cross	Ditto	5	3	1 2	79	2 10

RENTAL OF THE SEAFORTH ESTATES 319

[Apeared personally the inhabitants of Swanibose and parish of Ness as they are listed below (Nos. 179-193), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they [have] their present possession of the town of Swanibose for the sume of ninety six pounds Scots money, fifteen bolls meal, nine stone butter and nine mutton, and that they thus depone they yearly paid for their posession of Swanibose divided into the respective proportions in the following list and no more, which is the rent they paid for some years bypast. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Money.
				st. lb. oz.	B. F. P. L.	£ s. d.
179. Neil Gow	Swanibose	Ness	5	18 12	1 2 1	10
180. Murdo MacEan Ire	Ditto	Ditto	1 1	1 2 8	1 3 2	12
181. Normand McUllum	Ditto	Ditto	1 1	7 8	2 2	4
182. Isabel Morison	Ditto	Ditto	1 1	7 8	2 2	4
183. Malcolm McIlchrist	Ditto	Ditto	1 1	15	1 1	8
184. Malcolm McEiver	Ditto	Ditto	1 1	15	1 1	8
185. Donold McCoil Roy	Ditto	Ditto	1 1	11 4	3 3	6
186. Angus Baine	Ditto	Ditto	1 1	15	1 1	8
187. Murdo Taylor	Ditto	Ditto	1 1	15	1 1	8
188. Donald McEan Ire's Relict	Ditto	Ditto	1 1	15	1 1	8
189. Donald McInis Ken	Ditto	Ditto	1 1	11 4	3 3	6
190. McEan's Relict	Ditto	Ditto	1 1	7 8	2 2	4
191. (Number left out)						
192. Angus McHornoid	Ditto	Ditto	1 1	7 8	2 2	4
193. William McNeil Ghow	Ditto	Ditto	1 1	11 4	3 3	6
194. Widdow Morison	Habost	Ditto	..	..	..	66 13 4
195. John Morrison	Linol	Ditto	..	..	4 2	40
196. John Mathewson	Ditto	Ditto	..	..	4 2	40

[Apeared personally the inhabitants of Erobie and parish of Ness as they are listed below (Nos. 197-224), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their present possession of the town of Erobie for the sume of four hundred pounds Scots money and that they thus depone they yearly paid for their posession of Erobie divided into the respective proportions in the following list and no more which is the rent they paid for some years past. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Mony.		
						-1. lb. oz.	B. F. P. L.	£ s. d.
197. John McFinlay Kin- nis Vane . . .	Erobie	Ness	..	..	..			25
198. Normand McLe- duck's Relict . .	Ditto	Ditto	..	..	..			10
199. John McCoile Vic Chenich . . .	Ditto	Ditto	..	..	..			30
200. William McInis . .	Ditto	Ditto	..	..	..			20
201. John McCoile Vane . .	Ditto	Ditto	..	..	..			20
202. Murdo McEigan . .	Ditto	Ditto	..	..	..			15
203. John McInis . .	Ditto	Ditto	..	..	..			10
204. John McCoilchrist, Elder . . .	Ditto	Ditto	..	..	..			20
205. Donald McPhael . .	Ditto	Ditto	..	..	..			20
206. Normand McCoil Roy	Ditto	Ditto	..	..	..			10
207. Hector McCoil Cor- moid . . .	Ditto	Ditto	..	..	..			10
208. Angus McCoil Voire	Ditto	Ditto	..	..	..			15
209. John McCoile Kinler	Ditto	Ditto	..	..	..			15
210. John McIlle Christ . .	Ditto	Ditto	..	..	..			10
211. Anna Baine . . .	Ditto	Ditto	..	..	..			5
212. Donald McAlister Coile Oig . . .	Ditto	Ditto	..	..	..			20
213. Donald McNeil Ghow	Ditto	Ditto	..	..	..			20
214. Normand McEan Churchie . . .	Ditto	Ditto	..	..	..			15
215. John McCoil Christ, Younger . . .	Ditto	Ditto	..	..	..			5
216. Huiston Beg . . .	Ditto	Ditto	..	..	..			10
217. John McInnis Voir . .	Ditto	Ditto	..	..	..			10
218. John McVurchie Ken Ire . . .	Ditto	Ditto	..	..	..			15
219. Donald McEan Vic Chenich . . .	Ditto	Ditto	..	..	..			15
220. Donald McEan Kin- lay . . .	Ditto	Ditto	..	..	..			15
221. Finlay McVurchie . .	Ditto	Ditto	..	..	..			15
222. Angus McCoil Chis- lick . . .	Ditto	Ditto	..	..	..			10
223. Donald McUllem Curchie . . .	Ditto	Ditto	..	..	..			5
224. Alexander Taylor . .	Ditto	Ditto	..	..	..			10

[Apeared personally the inhabitants of Five Pennies and Gearin in parish of Ness as they are listed below (Nos. 225-252), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their present possession of the town of Five Pennies of Gearin for the sume of two hundred and fourtie pounds Scots money and fourtie bolls meal, and that they thus depone they yearly paid for their posession of Five Pennies and Gearin divided in the respective proportions in the following list and no more which is the rent they paid for some years bygone. This is the truth as they answer to God.

Cannot write, KENNETH CAMPBELL.]

xviii?

RENTAL OF THE SEAFORTH ESTATES 321

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Mony.
				st. lb. oz.	B. F. P. L.	£ s. d.
225. Murdo Roy . . .	Five Pennys and Gearin	Ness	..	..	2 2	15
226. John McVurchie Roy	Ditto	Ditto	..	..	2	12
227. Finlay More . . .	Ditto	Ditto	..	..	2	12
228. Donald McInnis Coil	Ditto	Ditto	..	..	2	12
229. Angus McEan Ire . .	Ditto	Ditto	..	..	2	12
230. John McInnis Voir . .	Ditto	Ditto	..	..	1 1	7 10
231. Hugh Ross . . .	Ditto	Ditto	..	..	2	12
232. Malcolm McEan Vane . . .	Ditto	Ditto	..	..	1	6
233. Neil McCurchie Vane	Ditto	Ditto	..	..	2	12
234. Donald McEan Cal- ster . . .	Ditto	Ditto	..	..	3	4 10
235. Malcolm McEan Coil	Ditto	Ditto	..	..	1 2	9
236. John McFinlay Roy	Ditto	Ditto	..	..	1	6
237. Donald McHormoid	Ditto	Ditto	..	..	1 2	9
238. John McEan . . .	Ditto	Ditto	..	..	2	12
239. Donald McCoil Vin . .	Ditto	Ditto	..	..	1	6
240. Angus McInnis Cuil	Ditto	Ditto	..	..	2	12
241. Alexander McCoil Cormoid . . .	Ditto	Ditto	..	..	1 2	9
242. Alexander Morison . .	Ditto	Ditto	..	..	1	6
243. Murdo McCoil Cor- moid . . .	Ditto	Ditto	..	..	1 2	9
244. Murdo McEan Vic Elepharig . . .	Ditto	Ditto	..	..	1	6
245. Donald McChenich VicEan Vane . . .	Ditto	Ditto	..	..	1 2	9
246. John McEnoig . . .	Ditto	Ditto	..	..	1	6
247. Angus McChurchie Coil Vane . . .	Ditto	Ditto	..	..	2	3
248. The Piper's Relict . .	Ditto	Ditto	..	..	2	3
249. Angus McCoil Kil- erevich . . .	..	..	..	..	1	6
250. Donald McVurchie Vane . . .	Ditto	Ditto	..	..	2	12
251. Finlay McInnis Voir	Ditto	Ditto	..	..	1	6
252. John McHormoid Coil Chappie . . .	Ditto	Ditto	..	..	1	6
253. Alexander McEiver	North Folista	Eye	6	3	1	113 17 4
254. Rory McEiver . . .	South Folista	Ditto	6	3	1	113 17 4
255. John McEiver . . .	Gress	Ditto	..	..	..	200

[Apeared personally the inhabitants of Back and parish of Eye as listed below (Nos. 256-268), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their present posession of the town of Back for the sume of one hundred and sixty seven pounds four shillings Scots money, two bolls four pecks meal, nine stone twelve pounds butter twelve mutton and that they thus depone they yearly paid for their posession of Back divided in the respective proportions in the following list and no more, which is the rents they pay'd for some years bygone. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.	Scots Mony.		
				st. lb. oz.	B. F. P. L.		£	s.	d.
256. Alexander McSwain	Back	Eye	2	14		2 3	12	3	10
257. William McKenzie	Ditto	Ditto	1	8		1 2	6	19	4
258. John McSwain	Ditto	Ditto	1	14		2 3	12	3	10
259. Donald McCoil Kneel	Ditto	Ditto	1	12		2 1	10	9	4
260. Alexander McEiver	Ditto	Ditto	2	2		1 3 2	34	16	8
261. Widdow Mackenzie	Ditto	Ditto	1	6		1 3	22	12	10
262. Alexander Mackenzie	Ditto	Ditto	1	16		3	13	18	8
263. Archibald McEiver	Ditto	Ditto	1	16		3	13	18	8
264. Neil Baine	Ditto	Ditto	1	8		1 2	6	19	4
265. Muldonick Kerd	Ditto	Ditto	1	8		1 2	6	19	4
266. Donald McInnis Cremir	Ditto	Ditto	1	6		1	5	4	6
267. John McCoil Kneel	Ditto	Ditto	1	8		1 2	6	19	4
268. Wast	Ditto	Ditto	1	16		3	13	18	8
269. Kenneth Frazer	Valskir	Ditto	1	1		2	41	10	
270. Rorie McKenzie	Ditto	Ditto	1	1		2	41	10	
271. John Mackenzie	Neather Coll	Ditto	..	..		..	106		
272. Murdo Morison	Upper Coll	Ditto	..	..		..	126	13	4

unlett.

[Apeared personally Donald McLennan, Donald Morison and Kenneth McKenzie in Tongue, who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have tack of their posession att present for the sume of ane hundred and sixty pounds Scots money and that they thus depone they yearly paid for their posession of Tongue and no more, which is the rent they paid these six years past. This is the truth as they answer to God.

DONALD McLENNAN; DON. MORISON;
K. MK.; KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.		Meal.	Scots Mony.		
				st. lb. oz.	B. F. P. L.		£	s.	d.
273. Donald McLennan	Tongue	Eye	..	..		..	53	6	8
274. Donald Morison	Ditto	Ditto	..	..		..	53	6	8
275. Kenneth Mackenzie	Ditto	Ditto	..	..		..	53	6	8
276. Widdow Campbell	Melbost	Ditto	..	..		..	100		
277. Normand McLeod	Garribost	Ditto	..	..		..	83	6	8
278. Donald Mathewson	Ditto	Ditto	..	..		..	83	6	8
279. George Mackenzie	Shadir	Ditto	4	2		2	55	14	8
280. Colin Mackenzie	Shessadir	Ditto	..	..		..	53	6	8
281. Mr. Collin Mackenzie	Sullishader	Ditto	2	2		1	81	4	
282. Normand McLeod	Upper Bible	Ditto	6	4		1	112	1	

[Apeared personally the inhabitants of Neather Bible and parish of Eye as they are listed below (Nos. 283-292), who being deeply sworn and interrogat what rent they used to pay to William, late Earle of Seaforth, make oath that they have their present possessions of the town of Neather Bible for the sum of one hundred and twentie eight pounds Scots money, and that they thus depone they yearly paid for their posession of

* See also *the* *...*, *...*, p. 319.

RENTAL OF THE SEAFORTH ESTATES 323

Neather Bible divided into the respective proportions in the following list and no more which is the rent they paid for some years bypast. This is the truth as they shall answer to God.

Cannot write, KENNETH CAMPBELL.]

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.	Meal.	Scots Mony.	Price of Species of Rent.	Total in Sterling Mony.
				st. lb. oz.	B. F. P. L.	£ s. d.	s. d.	£ s. d.
283. Murdo McEan	Neather Bible	Eye	..	..	..	10 13 4	..	..
284. Angus McOulvoire	Ditto	Ditto	..	..	..	10 13 4	..	..
285. Angus McEan	Ditto	Ditto	..	..	..	10 13 4	..	..
286. Wid VicCholach	Ditto	Ditto	..	..	..	10 13 4	..	..
287. Doctor McCholl	Ditto	Ditto	..	..	..	10 13 4	..	..
288. Malcolm McUrchy	Ditto	Ditto	..	..	..	10 13 4	..	..
289. Finlay McInnis	Ditto	Ditto	..	..	..	8	..	..
290. Angus McInnis	Ditto	Ditto	..	..	..	8	..	..
291. John Murray	Ditto	Ditto	..	..	..	5 6 8	..	..
292. Wast	Ditto	Ditto	..	..	..	42 13 4	Unlet.	..
293. Mr. John Wyllie	Nether Holme	Ditto	..	..	..	67 17 4	..	..
294. Donald McAulay	Enclat	Ditto	..	..	..	40	..	..
295. Mr. Zacharias Macaulay	Guringeroy	Ditto	..	..	..	66 13 4	..	..
296. The Town of Stornway	..	..	..	..	..	100	..	..
Notandum that the town of Stornua was let in tack to the Chamberland att eighty pound Scots money untill Mr. George Mackenzie of Gruiniort paid ane hundred lbs. money forsaid att which rent it continued.			214	159 18	223 2 1 2	8532 18 10	@ 2 2 $\frac{3}{4}$ @ 3 4 @ 8 10 $\frac{3}{4}$	23 5 6 $\frac{3}{4}$ 26 13 99 7 6 $\frac{3}{4}$ 711 1 6 $\frac{3}{4}$
							Total	860 7 8 $\frac{3}{4}$

[* I Kenneth Campbell, substitute baillie within the Island of the Lewes, before whom the preceding rental was made, doe declare upon my great oath that all the tenants and tacksmen upon that pairt of Seaforth's estate lying within the Island of the Lewes, did appear before me either personally or by others commisionate for them and that there are no more tennants in that said pairt of the estate paying rent but those whose names are set down in the preceeding pages, wherein is also included all the vaste lands in that said pairt of the said estate and that this is the truth is declared by me the said Kenneth Campbell before Mr. Daniel Morison, minister of the gosepll in the parish of Stornua in the said Island and Murloch MacEiver, merchant and ruleing elder there.

(Signed) KENNETH CAMPBELL.]

Daniel Morison, *witness.*

Mourdo McEiver, *witness.*

* This docket is also taken from the Depositions.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Lochalsh. Barony of Ardelf.</i>				
1. John Matheson . . .	Fairnaig	Lochalsh	..	st. lb. oz.
2. Donald Finlason . . .	Glasmucklack	Ditto
3. Donald Finlason . . .	Braystrath	Ditto	2	I
John Matheson . . .				
Alexander Finlason . . .				
Allan Mackenzy . . .	Ardelf	Ditto
4. Duncan McCrae . . .				
5. Donald McCrae . . .				
6. John McCrae . . .				
7. Donald Finlason and Rory Finlason, his son. John McEan	Idden	Ditto
VicAlister . . .				
John Finlason . . .	Achaconinish	Ditto	2	I
Duncan Finlason . . .				
8. John Matheson . . .				
Murdo Matheson . . .	Inchnairne	Ditto	2	I
9. John McCay . . .				
John Finlason . . .	Ardnarf & Down	Ditto	I	..
Murdo Matheson . . .				
Duncan McCay . . .				
John McCoil Roy . . .				
10. Rory Mackenzie . . .	Nonich	Ditto	I	IO
Donald Mackenzie . . .				
John McIllichallum . . .				
11. Murdo Murchison . . .	Achnabien	Ditto
12. Ditto for . . .				
13. John McLennan . . .	a Penny of Salchy	Ditto
John McConchy Vuy . . .				
Duncan McCoil Vic-Eanlay . . .				
Duncan McEan Chile . . .				
Donald McEan Duy . . .				
Margaret McLeod Widdow . . .				
14. John McRa . . .	Salchy	Lochalsh	I	I
15. Duncan Matheson . . .				
16. Wast—late Alex. McCoil Oig . . .	Allnashue	Ditto	I	IO
Alexander Matheson . . .				
17. Rory Matheson . . .	Ditto	Ditto
Rory McCoil . . .				
18. Jane Mackenzie & Janet Finlason . . .	Diurinish	Ditto	3	I IO
19. Mary Matheson . . .	Noiste	Ditto	2	I
20. Donald McKennith VicConel . . .				
John Finlason . . .	Achna Clouch	Ditto	2	I
Duncan Murchison . . .				
Mary Mackenzie, Widdow . . .	Achtatoralan	Ditto	3	I
Ann McQueen, Widdow . . .				
21. Alexander McLennan now widdow . . .				
Ann Matheson, Widdow . . .	Kirktown	Ditto	2	I IO
Duncan McCoil and others . . .				
22. Duncan MacCrae . . .	Conchra	Ditto

RENTAL OF THE SEAFORTH ESTATES 325

Cheese.		Vicarage.	Mony Rent in Scots Mony.	
st.	lb. oz.	£ s. d.	£ s. d.	
	..	37 10	462 10	56m. 3s. 4d. & 693m. 10s.
	..	3	37	4m. & ½ & 55½m.
2		13	160 6 8	240m. 6s. 8d. & 19m. 6s. 8d.
	..	5 16 6	71 19 2	8m. 9s. 10d. & 107m. 12s. 6d.
	..	5 16 6	71 19 2	
	..	5 16 6	71 19 2	
2		7 15	95 11 8	11m. 8s. 4d. & 143m. 5s.
2		12	148	18m. & 222m.
1		7 13 4	94 16	11m. 6s. 8d. & 143m. 5s.
1		9	111	13m. 6s. 8d. & 166m. 6s. 8d.
	..	6	74	111m. & 9m.
	..	3 7	41 2	5m. & 4s. & 61m. 8s. 8d.
1		13	160 7	19m. 6s. 8d. & 240m. 7s.
1	6	{ 3 15	46 5	5m. 8s. 4d. & 69m. 5s.
	..	{ 2 16 8	30 16 8	3m. 16s. 8d. & 46m. 3s. 4d.
	..	1 5	15 8 4	Unlet, 1m. 11s. 8d. & 23m. 1s. 8d. Unlet.
3		8 2	99 18	12m. 2s. & 149m. 1s. 8d. Unlet.
2		10	123 6 8	15m. & 185m.
2		4 8	54 5 4	6m. 8s. & 81m. 5s. 4d.
2	4	5	61 13 4	7m. 6s. 8d. & 92m. 6s. 8d.
2	10	11 15	144 18 4	17m. 8s. 4d. & 217m. 5s.
	..	..	106 13 4	160m.

Widdow Mary Fraser for
Salchy & Achnabin
No. (11).

Duncan McCrae is tutor
to the minor of Concra
and pays for him this
fees.

x 1/11/11 (30 1728 rental)

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Lochalsh. Barony of Ardelf.</i> —continued.				st. lb. oz.
23. Donald McEan Vic- Phadrick . . .	Inverskinnaig	Lochalsh	..	..
24. Rory Matheson . . . Murdo Matheson . . .	Achnedairack	Ditto	3	1 10
25. Donald Matheson . . . John Matheson . . .	Bailmac	Ditto	4	2 ..
26. John Matheson . . . Donald Matheson . . .	Rairag	Ditto	..	..
27. { John McCay . . . John Matheson . . .	Erbesaig	..	..	..
28. Rory Macintire . . .	Lundy	Ditto	1	10
29. { Murdo Mackenzie . . . Duncan Roy . . . Kenneth Matheson . . . John Gow . . . Rory Dow McCay . . . Rory Mackenzie . . .	Plock	Ditto	1	10
30. John Matheson . . .	Craig	Ditto	2	1 10
31. Murdo Finlason . . .	Ardmore	Ditto	1	10
32. Donald Murchieson . . .	Auchtertire	Ditto	..	..
			34	18 10

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Kintail. Barony of Ardelf.</i>				st. lb. oz.
1. John McRae . . .	Achnagart of Glensheel	Kintail	2	1
2. Donald McRae . . .	Torliushick	Ditto	2	1
3. Maurice McRa . . .	Easter Achyuran	Ditto	1	10
4. John McRae . . .	Wester Achyuran	Ditto	$\frac{1}{2}$	5
5. Evan McLenan . . .	Ditto	Ditto	$\frac{1}{2}$	5
6. Murdo McVic . . .	Achnasheallach	Ditto	1	10
7. Farquhar McRae . . .	Mickle Ratigan	Ditto	1	1
8. Christopher McRae . . .	Little Ratigan	Ditto	1	1
9. { Malcolm McRae . . . Murdo McRae . . .	Little Achyark	Ditto	2	1
10. Christopher McRae, Junior . . .	Kitchintorn	Ditto	1	1
11. Murdo McRae . . .	Muck	Ditto	..	10
12. { Ann McRae . . . Duncan McRae . . . John McRae, Jun. . .	Mickle Achiyark	Ditto	2	1

RENTAL OF THE SEAFORTH ESTATES 327

Cheese.	Vicarage.	Mony Rent in Scots Mony.		
st. lb. oz.	£ s. d.	£	s. d.	
..	2 10	30	16 8	46m. 3s. 4d. & 3m. 10s.
3	9	111		13m. 6s. 8d. & 166m. 6s. 8d.
4	24	296		36m. & 444m.
..	14 5	175	15	21m. 5s. & 263m. 8s. 4d.
..	3 5	40	1 8	4m. 11s. 8d. & 60m. 1s. 8d.
1	3	33	13 4	4m. 6s. 8d. & 50m. 6s. 8d.
1	5	61	13 4	7m. 6s. 8d. & 92m. 6s. 8d.
3	9	111		13m. 6s. 8d. & 166m. 6s. 8d.
2	6 5	77	1 8	9m. 5s. & 115m. 8s. 4d.
..	..	36	13 4	55m. Feu duty.
				Price of Species. Sterling Mony.
36		@		
	£253 1 6			£21 1 9½
		£3257 10 10		£271 9 2½

This being formerly the piper's land paid neither customs or rent.

Cheese.	Vicarage.	Rent in Scots Mony.		
st. lb. oz.	£ s. d.	£	s. d.	
2	16	223	6 8	24m. & 335m.
2	20	266	13 4	30m. & 400m.
2	15	200		22½m. & 300m.
1	7 10	100		11m. 3s. 4d. & 350m.
1	7 10	100		
2	13	173	13 4	19½m. & 260½m.
2	17 10	233	6 8	26m. 3s. 4d. & 350m.
2	17 10	233	6 8	
2	15	213	6 8	22½m. & 320m.
2	16	197	6 8	24m. & 296m.
2	7	86	11 8	10½m. & 129m. 11s. 8d.
2	19 17 8	245	3 4	29m. 11s. & 367m. 10s.

They demand allowance of 40m. out of this rent for land lying wast through a dispute between them and the Grants of Glenmoriston about the property.

Malcolm is said to have room, per annum allowed him out of this rent as the interest of 2000m. whereof his claim has been confirm'd.

John McRae is also said to be allowed 150m. of this rent upon a confirm'd claim for 3000m.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Kintail, Barony of Ardel.</i>				st. lb. oz.
—continued.				
13. Duncan McRae . . .	Inshchroe	Kintail	..	..
14. John McEan VicEnlay . . .	Linasy	Ditto	..	..
15. Kenneth McRae . . .	Achniterd Easter	Ditto	..	..
16. William Mackenzie . . .	Achniterd Wester	Ditto	..	..
17. Christopher McRae . . .	Easter Druidag	Ditto	..	..
18. Finlay McRae . . .	Wester Druidag	Ditto	1	10
19. Duncan McRae . . .	Tollie	Ditto	..	..
20. Donald McRae . . .	Dale	Ditto	1	1
21. Christopher McRae . . .	Arieyugan	Ditto	1	1
22. Mary McRae, Widdow . . .	Cambusnagoul	Ditto	..	..
23. Alexander McRae . . .	Rowrach divided into Mickle Oxgate, Middle Oxgate, and Culsmiln	Ditto	..	..
24. John McRae . . . Smith				
25. Donald McRae . . .				
26. Angus McHuiston . . .				
27. Donald Bayne . . .				
28. John McRae . . .				
29. Donald McEnlay Duy . . .	Arhullfich & Clachan	Ditto	..	..
30. Donald McRae . . .				
31. Farquhar McRae . . .	Morrich	Ditto	2	1 10
Alexander McRae . . .				
32. Colin Murchison . . .	Innershall	Ditto	$\frac{7}{15}$	14
33. West Do. . . .	One Penny & half	Ditto	$\frac{5}{15}$	6
34. John McCrimmon . . .	Easter Leakichan	Ditto	$\frac{1}{3}$	3
35. Rory McLennan . . .	Wester Leakichan	Ditto	1	10
36. Florence Mackenzie, Widdow of D. McRa.	Achidren	..	..	..
37. Farquhar Finlay . . .	Mickle Innerinnit	Ditto	2	1
Alexander McRae . . .				
John McRae . . .				
38. Donold McLev . . .	Keppoch Mickles	Ditto	1	10
Murdo McCoilire . . .				
Donald McCoil Vue Alexander McRae . . .				
39. Duncan McRae . . .	Carr	Ditto	1	10
40. Donald McAuley . . .	Little Keppoch	Ditto	..	..
41. Rory McRae . . .	Clinbow	Ditto	$\frac{1}{2}$	5
42. James Mackenzie . . .	Fadock	Ditto	1	10
43. Kenneth McEan VicIlle- challum . . .	Half Craigag	Ditto	..	..
44. John McConchie . . .	Leault	Ditto	1	10
45. George Mackenzie . . .	Achyargan	Ditto	1	10
46. Christopher MacRae Farquhar MacRae . . .	Bandalock	Ditto	1	1
47. Murdo McCrae . . .				
	Biolaig	Ditto	4	2

RENTAL OF THE SEAFORTH ESTATES 329

Cheese.	Vicarage.	Rent in Scots Mony.	
st. lb. oz.	£ s. d.	£ s. d.	
..	9	111	13½m. & 166½m.
..	..	40	60m.
..	2	24 13 4	3m. & 37m.
..	2 10	30 16 8	3m. 10s. & 46m. 3s. 4d.
..	6	80	9m. & 120m.
1	6	72 16 8	9m. & 109m.
..	..	17 15 8	26m. 9s.
2	10	131 6 8	15m. & 197m.
2	10 10	129 19	15m. 10s. & 194m. 12s. 4d.
..	..	80	120m.
..	..	40	60m.
..	..	10	15m.
..	..	30	45m.
..	..	20	30m.
..	..	60	90m.
..	..	10	15m.
..	..	10	15m.
..	4 10	55 10	6m. 10s. & 83m. 3s. 4d.
3	28 9	351 1 4	42m. 9s. & 526m. 8s.
1 8	13 10	167 2	20m. 3s. 4d. & 250m. 8s. 8d.
12	5 16	71 12	8m. 9s. 4d. & 107m. 5s. 4d.
6	1 17 6	21 15 10	2m. 10s. 10d. & 32m. 9s. 2d.
1	4	53 6 8	6m. & 80m.
..	..	84	126m.
2	17	226 13 4	25m. 6s. 8d. & 340m.
10	4 4	52 1	6m. 4s. & 78m. 1s.
1	5 4	69 6 8	7m. 10s. 8d. & 104m.
1	1 17 6	23 2 6	2m. 10s. 10d. & 34m. 9s. 2d.
10	2 12	34 13 4	3m. 12s. & 52m.
1	9	120	13m. 6s. 8d. & 180m.
..	..	12 12	18m. 12s.
1	6 14 8	88 12	10m. 1s. 4d. & 132m. 12s.
2	17 4	212 2 8	25m. 10s. 8d. & 318m. 2s. 8d.
2	10 10	129 10	15m. 10s. & 194m. 3s. 4d.
4	9 16	127 10 8	14m. 9s. 4d. & 191m. 4s.

He is said to have a right to room, yearly as interest of 2000m. out of this rent.

Now John Mackenzie.

Alex. McRa demands an allowance of 59m. ½ (being his arrear) for damage done him by water and by the soldiers of the barrack of Glenelg making a road through his grass & corn; & Farquhar McRa likewise demands an allowance of 73m. 2s. Scotts for damage by waters.

Unlett 1726; now Christopher McRa.

He is a lame beggar.

One stone of cheese in the writing of the deposition and two stone in the figures.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Kintail. Barony of Ardelf.</i>				
—continued.				
48. John McCrae . . .	Upper Killillan	Kintail	2	st. lb. oz.
49. Alexander McCrae . . .	Neather Killillan	Ditto	2	1
50. Murdo Murchieson . . .	Keillins	Ditto	..	10
51. Duncan McCrae . . .	Achig Chuirn	..	..	10
52. Finlay McCrae . . .	Upper Mamaig	Ditto	..	10
53. Finlay McCrae above mentioned & Kenneth McCrae . . .	For half of Craigag	Ditto	..	10
54. Alexander McCrae } Alexander McCrae }	Duyleg	Ditto	1	10
55. Duncan McCrae . . . } Donald McIllichallum }	Neather Namaig	Ditto	..	10
56. Murdoch McRea . . .	Coudhoin	Ditto	..	10
57/1726. John Bane McRa for half with Murdo McRa.				
			39 $\frac{3}{8}$	26 18

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Lochcarran.</i>				
1. Kenneth Mackenzie . . .	Brachlach	Loch- arran	4	st. lb. oz. 2
2. John McLennan . . . } Donald McLennan } John McLennan, Youn- ger . . . } Duncan McLennan } John McCrae . . . } Donald McAuley . . . }	Upper Achetie	Ditto	2	1
3. Duncan Mackenzie . . .	Castlestrome	Ditto	2	1
4. Rory Mackenzie . . . } Alexander Mackenzie }	Midd Strome	Ditto	2	1
5. John Mackenzie . . .	Easter Slumbay	Ditto	1	10
6. Rory Mackenzie . . . } Rory Matheson . . . } Donald Innis . . . }	Wester Slumbay	Ditto	1	10
7. Rory Mackenzie . . .	Rairag	Ditto	2	1
8. Finlay MacLennan Smith . . . } Duncan MacLennan } Donald McLennan } Duncan McCrae . . . }	Lower Achetie	Ditto	2	1
9. John McCulloch . . . } William Kemp . . . } Donald Kemp . . . } Donald McCrae . . . } John McEan Ire . . . } Finlay McIllichrist } William Mackenzie } John Bayne . . . }	Clachan	Ditto	..	..

RENTAL OF THE SEAFORTH ESTATES 331

Cheese.			Vicarage.			Rent in Scots Mony.			
st.	lb.	oz.	£	s.	d.	£	s.	d.	
2			12	10		166	13	4	18m. 10s. & 250m.
2			13			173	6	8	19m. 6s. 8d. & 260m.
1			6			74			9m. & 111m.
1			11	0	4	132	6	4	16m. 7s. & 198m. 6s. 4d.
1			5			59			7m. 6s. 8d. & 88m. 6s. 8d.
} Kenneth Mackenzie of Assint his locality.									
1			1			11			11m. & $\frac{1}{2}$ & 16 $\frac{1}{2}$ m.
2			17	4		212	2	8	25m. 10s. 8d. & 318m. 2s. 8d.
1			5	16		72	2	8	8m. 9s. 4d. & 108m. 2s. 8d.
1			9			111			13 $\frac{1}{2}$ m. 166 $\frac{1}{2}$ m.
} Dr. George Mackenzie's locality.									
						Price of Species.		Sterling Mony.	
						@			
						@			
						@			
60	6		£440	13	8	£6084			6 8
								£36	14 5 $\frac{3}{4}$
								£507	0 6 $\frac{3}{4}$

Cheese.			Vicarage.			Rent in Scots Mony.			
st.	lb.	oz.	£	s.	d.	£	s.	d.	
4			10			123	6	8	15m. & 185m.
2			8			98	13	4	12m. & 148m.
2			9			111			13m. 6s. 8d. & 166m. 6s. 8d.
2			6			74			9m. & 111m.
1			6			74			
1			5	13	4	69	14	8	8m. 6s. 8d. & 104m. 8s.
2			9			111			13m. 6s. 8d. & 166m. 6s. 8d.
2			12			148			18m. & 222m.
..			8	7	6	102	19	10	12m. 7s. 6d. & 154m. 6s. 8d.

29th July 1727. Now Mr. Roderick Mackenzie of Oldenny No. 7.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Lochcarron.—continued.</i>				
10. Duncan McCoil Vane Martin McCoil Vane Malcolm McKenzie Rory Mackenzie Murdo Matheson Katherine Nin Ean Vuy Duncan Cochullin Duncan Mackenzie	Strome Carronach	Locharran	1	1
11. Laird of Applecross 12. Lady Ann Mackenzie's locality					Laggidown in Arinaigag	..	..
			17	9

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Strathchonin and Strathbren. Barony of Ardelph.</i>				
1. Kenneth McIver Farquhar Buy McLennan John McConchie Vic- Vurchie Duncan McRa Duncan Rioch Alexander Mackenzie My. Mackenzie Katherine MackIver Ril of McKenzie	One Quarter of Eskadel.	Containe	..	..
2. Murdo McInish VicConil William McCoil Vic- Finlay Donald Mackenzie William Fraser in Ferry- town Mrs. Katherine Duncan, Relict of Alexander Mackenzie					The other quar- ter of Eskadel in Strathon- nan. Wester Quarter.	Ditto	..	..
3. Donald Mackenzie Alexander McAilem Vane John (his brother) Mc- Uilem John Dui McGilchal- lum John McEachin Donald McRae Murdo McFinlay Vic- Chinnich and his father Finlay McInish Finlay Down Duncan McHenrie	Knockbaine of Strathbren	Ditto	..	..

RENTAL OF THE SEAFORTH ESTATES 333

Cheese.	Vicarage.	Rent in Scots Mony.	
st. lb. oz.	£ s. d.	£ s. d.	
1	4 15	58 11 8	7m. 1s. 8d. & 87m. 11s. 8d.
..	3	37	4m. 6s. 8d. & 55m. 6s. 8d.
..	..	800	1200m.
		Price of Species.	Sterling Mony.
		@	
		@	
		@	
17	£81 15 10	£1808 6 2	£6 16 3½ £150 13 10¼

This contains Arinaigag, both Dalimartins, both Ederracharrons, Rywayachan & Tullock.

Cheese.	Vicarage.	Rent in Scots Mony.	
st. lb. oz.	£ s. d.	£ s. d.	
..	..	160	240m.
..	..	200	300m.
..	..	140	210m.

Formerly lett for 120 Scots. 26m. deducted yearly for loss by waters.

They paid 20m. less by their former lease.

(3) 1726, Finlay McChenuh VicConel.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Strathchonan and Strathbren. Barony of Ardelph.—contd.</i>				st. lb. oz.
4. John McCoil VicCon- chie Voir Duncan McUilem Roy)	Belnauld and Forniseangan)	Fottertie	..	..
5. Finlay Oig		Dalnacroish of Maine)	Ditto	..
6. Duncan McCoil Vic- Phadrick Mary Nin Donil	Easter Poulrinn Ditto	Ditto Ditto	..	..
7. Thomas Grasich Margaret Nin Donell)	Wester Poulrin	Ditto	..	..
8. Finlay McConehie Vane	Knoekdui	Ditto	..	..
9. Farquhar Feitch	Ditto	Ditto	..	..
10. Kenneth Riach	Ditto	Ditto	..	..
11. William Fraser	Balspitan of Maine	Ditto	..	..
12. Finlay McCoil VicCon- chie Voir	Strathanmoir	Ditto	..	..
13. Finlay McEldonich	Muilich	Ditto	..	..
14. Donald McCuicu	Dalbraig	Ditto	..	..
15. Murdo McRae	Crannich	Contine	..	..
16. George Frazer	Brachan	Ditto	..	..
17. Donald McConehie	Ditto	Ditto	..	..
18. Katherine Nin Vurchie VicEan Rivich	Balmuraig	..	..	..
19. Donald McKenzie of Culcoy, Esq.	Taxman of Ball- blair and Drumfair)	Contine	..	..
20. Duncan McInlay Vic- Connil				
21. Donald McCuian in Kin- lochbanaeron Farquhar McCoil Roy) Duncan Roy	Carrifoil Kinlochban- nachron)	Ditto	..	..
22. Murdo Buy	Seurdroy in Kin- lochbannaeh- ron)	Ditto	..	..
23. Donald Oig McCuian) Kenneth Mackenzie) John McLennan)	Corribuiek Kin- lochbanachran)	Ditto Ditto	....	....
24. Isabell McCulloch Ann Nin Ean VicConel	Tarranillane Kinlochbannaeh- ran)	Ditto	..	..
25. Kenneth McCuian & his neighbours	Knoek Martaig Kinlochban- naeron)	Ditto	..	..
26. Kenneth McRae for him- self and neighbours	Magilinan Kin- lochbanacron)	Ditto	..	..
27. Alexander McKenzie Alexander McHerlich	Blainabie	Ditto	..	..
28. Donald Gow John McVurchie Vic- Thaimis Neil Bane Duncan McInlay Vic- Conil Donald McInlay Vane Farquhar McLay Kenneth McInlay Conil Janet Nin Donell Cinlay)	Inerehorain	Ditto	..	..

1726.
Rest
Donald
Down,
Kenth
Mackenzie.

RENTAL OF THE SEAFORTH ESTATES 335

Cheese.			Vicarage.			Rent in Scots Mony.		
st.	lb.	oz.	£	s.	d.	£	s.	d.
..	23	6	8	35m.		
..	23	6	8			
..	53	6	8	80m.		
..	23	13	4	35m.	6s.	8d.
..	13	6	8	20m.		
..	20			30m.		
..	6	13	4	10m.		
..	13	6	8	20m.		
..	53	6	8	80m.		
..	32			48m.		
..	13	6	8	20m.		
..	40			60m.		
..	12			18m.		
..	14	13	4	22m.		
..	26	13	4	40m.		
..	46	13	4	70m.		
..	133	6	8	200m.		
..	100	13	4	151m.		
..	42	16	8	64m.	3s.	4d.
..	42	16	8			
..	42	16	8			
..	42	16	8			
..	85	13	4	128m.	6s.	8d.
..	69	10		104m.	3s.	4d.
..	62	6	8	93m.	6s.	8d.
..	133	6	8	200m.		
..	223	6	8	335m.		

In the depositions of 1727 the 40m. at foot of this page are added to these sums and makes 390m.

There is said to be paid to Alexander Mackenzie of Davockmaluock, Esq., 150m. out of this rent for the principal sum of 3000m.

This rent should be 760m. but the tenants are said to be allowed 25m. for damage done by the waters.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Butter.
<i>Strathconin and Strathbren.</i>				
<i>Barony of Ardelph.—contd.</i>				
29. Christian Nin Vurchie				st. lb. oz.
Murdo Moire				
Alexander McCoil Conel				
Alexander McLey				
Dougal McLey .				
John McLey .				
Donald McEan Vile				
Finlay McGilchrist				
Donald Chisholme	Inerchorain	Urray	..	..
Duncan Doun .				
Donald Brinach .				
Donald McDonchie				
Conil .				
John McCoil VicEan				
Duy .				
Donald McVurchie				
30. Murdo McRa .	Clachundilan	Contin	..	..
Duley McLey .				

Tenants' Names.	Habitations.	Parishes.
<i>Fortrose and Avoch.</i>		
1. Donald Watson, Bailie of Fortrose .	..	Rosemarky
2. John Mason, surgeon . . . . .	..	Fortrose
3. John Fraser . . . . .	..	Ditto
4. William Forsyth . . . . .	..	Ditto
5. Dr. Alexander Mackenzie's Relict .	..	Ditto
6. Alexander Tolme . . . . .	..	Ditto
7. Alexander Hossack . . . . .	..	Rosemarky
8. George Mackenzie of Inchcutter, Esq. .	..	..
9. John Simpson	Fortrose	Ditto
10. Robert Barber	Ditto	Ditto
11. George Baillie	Ditto	Ditto
12. David Watson	Ditto	Ditto
13. Alexander Muuro	Avoch	Ditto
14. John Davidson	Fortron	Ditto

RENTAL OF THE SEAFORTH ESTATES 337

Cheese.	Vicarage.	Rent in Scots Mony.	
st. lb. oz.	£ s. d.	£ s. d.	
..	..	133 6 8	200m.
..	..	26 13 4	40m.
		—————	Sterling Mony
		£2055 3 4	£171 5 3½

} 1726. Donald McUrchy,
Finlay McRa.

} This is added as above-
mentioned.

Poultry.	Victual.	Scots Mony.	
	B. F. P. L.	£ s. d.	
..	..	4 13 4	7m.
24	24	..	
..	1 2	..	
..	1 1	..	
..	28	..	
..	..	12	
7½	7 2	..	
..	..	80	
..	1 2	..	
..	..	10 13 4	16m.
..	..	5	
4	4 2	..	
12	..	66 13 4	100m.
..	1 1	..	
47½	71	@	Sterling Mony.
		@	£14 10 5
		£174 5	

} Of which £53, 6s. 8d. Scots for
the ferry boat which he is said
to retain in his hands for the
interest of mony due to him
from the estate and for a kiln
in ruins the rest.

} for a kiln in ruins.

Tenants' Names.	Habitations.	Parishes.	Muttons.	Poultry.
<i>Brahan, Tollie, Ussie, & Knockintairin.</i>				
1. John Mackenzie for the Lady Dowager	Brahan	Urray	3	36
2. William Fraser for lands and ferry boat	Ditto	Ditto	2	24
3. Alexander Mackenzie for Ardoch	Ditto	Ditto	2	23
4. Neil Beaton for half of Quarrytown . . . . .	..	..	..	3
5. George Fraser for Craigtown, Black Croft, part of Glackline, and the other half of Quarrytown	Ditto	Ditto	1	24
6. John McRob for part of Glackline	Ditto	Ditto	..	6
7. Roderick McRob for his croft	Ditto	Ditto	..	..
8. Alexander Bayne for his croft in the moor	Ditto	Ditto	..	..
9. Murdo Mackenzie (alias Bayne), officer for the Officers croft, half peck land of Glackline and the half peck of Cullevoir . . . . .	..	..	..	4
10. John McEan Duy	Craig Town	..	..	6
11. Donald Reoch	Ditto	..	..	4
12. Kenneth McCoil Duy	Ditto	..	..	4
13. John McNeil	Ditto	..	..	6
14. Donald McCandrie & John McCandrie	for Glaick	..	..	4
15. Donald McRae . . . . .	..	..	..	6
16. John, William, & Alexander Clark	for Tollynuild	..	..	12
17. Fergus Ferguson . . . . .	..	..	..	3
18. Alexander Ross	Ussie	..	..	3
19. Donald Down	Ditto	..	..	4
20. John McEwen	Ditto	..	..	3
21. Kenneth McEan Duy	Ditto	..	..	6
22. George Stuart	Knockintairin	..	1	12
23. John McEan Duy, Junior	Ditto	..	1	12
			10	205

RENTAL OF THE SEAFORTH ESTATES 339

Lambs.	Tallow.	Victual.	Rent in Scots Money.	
	st. lb. oz.	B. F. P. L.	£ s. d.	
3	..	57	74	
2	2	22	12	
1	..	22 2	..	
..	..	3 1	7 6	
1	..	23 1	7 6	
..	..	6	1	
..	..	1 3	.	
..	..	1 3	..	
..	..	8	15	
..	..	8 2	1 16 4	
..	..	5 2	13 4	
..	..	6 3	..	
..	..	8 2 2	1	
..	..	8 3	..	
..	..	8	1	
..	..	16 1	2	
..	..	2 3	6 8	
..	..	4	13 4	
..	..	6	1	
..	..	4	13 4	
..	..	2	6 8	
..	..	4 1 1	..	
..	..	4 1 1	..	
7	2	235 1	£97 19 8	

The rents of Brahan and neighbouring farms are said to be diminished to the value of 16 bolls, two firlots, two pecks of victual by the planting of the Avenues about the house.

There is one boll of victual allow'd him for mending the road, not included here.

Two bolls allow'd him for the damage done by planting an Avenue.

3 bolls of beer, 3 of meal, & 19m. Scots to the King, and 3 bolls of oats.

Price of
Species.
@
@
@
@
@

Sterling
Money
£ s. d.

£8 3 3½

Inverness, July 22, 17 [torn]. Kenith Mackenzie of Dun- of the rents and profits of the unsold forfeited estates in North going seventeen pages contain all and every the farms and the Lewes only excepted which variable cannot be rented), of rent and customs therein set down are truly and bonafide by the respective tenants of the said estate for their several no other rents of the said estate than what are included in conform to the respective depositions made on that behalf

ABSTRACT OF THE AFOREGOING RENTAL.

Countries.	Muttons.	Poultry.	Lambs.	Customs.		Cheese.
				Tallow.	Butter.	
				st. lb. oz.	st. lb. oz.	st. lb. oz.
Isle of Lewis .	214	..	..	..	.. 159 18	....
Lochalsh . . .	34	..	..	..	18 10	36
Kintail . . .	39½	..	..	..	26 18	60 6
Locharran . . .	17	..	..	..	9	17
Strathconan & Strathbren . . .	..	..	..	..	..	..
Fortrose & Avoch Braham, Tollie, etc.	..	47½	..	..	..	..
	10	205	7	2	..	..
	100	252½	7	2	54 8	113 6

Shire of
Ross.

RENTAL OF THE SEAFORTH ESTATES 341

donel, Deputy to Edmund Burt, Esq., Receiver General Britain, maketh oath that he does verily believe the afore-possessions and parts of the said estate (the vicarage of and that the sums of mony and quantitys of other species the just sums and quantitys that are or ought to be paid farms and possessions, and that he verily believes there are the afforegoing rental (the vicarage as aforesaid excepted) (inadvertant errors and mistakes likewise excepted).

(Signed) KEN. MACKENZIE.

Juravit Coram,
Ja. Mackintosh, virtute commissionis.

Victual.		Mony Rent.		Mony Rent in Scots Mony.	Price of Species.	Sterling Mony.
Meal.	Victual.	Vicarage.				
B. F. P. L.	B. F. P. L.	£	s. d.	£	s. d.	
..	..	..	..	..	@ 2s. 2d. $\frac{2}{3}$	£23 5 6 $\frac{2}{3}$
..	..	..	..	..	@ 3s. 4d.	26 13
223 2 1 2	..	..	..	..	@ 8s. 10d. $\frac{2}{3}$	99 7 6 $\frac{2}{3}$
				8532 18 10	..	711 1 6 $\frac{2}{3}$
						£860 7 8 $\frac{1}{2}$
..	..	253 1 6		3257 10 10		
..	..	440 13 8		6084 6 8		
..	..	81 15 10		1808 6 2		
..	..	..		2055 3 4		
..	..	..		174 5		
..	235 1	..		97 19 8		
					@ 2s. 2d. $\frac{2}{3}$	£11 4 3 $\frac{2}{3}$
					@ 2 $\frac{1}{2}$ d.	2 12 7 $\frac{1}{2}$
					@ 1s. 1d. $\frac{1}{3}$	7 9 $\frac{2}{3}$
					@ 4s. 5d. $\frac{1}{3}$	8 10 $\frac{2}{3}$
					@ 4s. 5d. $\frac{1}{3}$	12 1 9 $\frac{1}{3}$
					@ 1s. 8d.	9 8 10
					@ 7m. & 8m.	132 3 4
	306 1					64 12 7
		755 11		£13,477 11 8		1123 2 7 $\frac{2}{3}$
						£1356 2 51 $\frac{0}{2}$
						£2216 10 21 $\frac{1}{2}$
						Total
						£1356 2 51 $\frac{0}{2}$
						£2216 10 21 $\frac{1}{2}$
<p>Fortrose and Avoch the boll of victual at 7m., the rest at 8m., viz. Fortrose, etc. 71 bolls at 7s. 9d. $\frac{1}{3}$, £27 12 2 $\frac{2}{3}$ The rest 235 bolls, 1 firloft, at 8s. 10d. $\frac{2}{3}$d., 104 11 1 $\frac{1}{3}$</p>						
						£132 3 4

RENTAL of the dues of KILDEN, etc., and DRUMGLAST and Urray, the former at present in possession of Mr. Kenneth of the widdow and children of Mr. Alexander Mackenzie of Seaforth, but not now included in the beforegoing

Tenants' Names.	Habitations.	Parishes.
<i>Kilden, etc.</i>		
1. Gilbert Fraser	Beakanord	Dingwall
2. Ditto	for a mill	Ditto
3. William Fraser & Alex. Roy	Balnafedag	Ditto
4. John Beaton	Little Ussay	Ditto
5. George & William Clark	Ditto	Ditto
6. George Clark	Kilden	Ditto
7. Colin Mathewson	Ditto	Ditto
8. Donald Clark alias McKennith	Ditto	Ditto
9. Angus Beaton	Ditto	Ditto
10. Alexander Mackenzie	Little Ussay	Ditto
11. Mr. Roderick McRa	Kilden	Ditto

Tenants' Names.	Habitations.	Parishes.	Muttons.
<i>Drumglast and Balnaine</i>			
1. John Clark and Thomas Stewart	Upper Quarter	..	2
2. Alexander Murray	Wester Quarter	..	..
3. Alexander Stewart, Junior	Ditto	..	2
4. William Mackay Ire	Ditto	..	2
5. George Clark	Easter Quarter	..	..
6. Kenneth Mackinnon alias Seir	Ditto	..	..
7. Alexander Stewart	Ditto	..	..
8. Neil McFinlay Vicillam and his son Donel	Balblair Quarter	..	..
9. John McEuen	Ditto	..	..
10. Widdow Calman & Donald Frazer alias Sier	Ditto	..	2
11. Donald Ferguson	Knockintied	..	..
12. John Cines	Ditto	..	2
13. John Clark alias McKennith Vic- Eandui	Ditto	..	..
14. Widdow Mackeazie	Balnaine	..	2
15. Finlay McAndra Voir	Black Croft	..	..
			12

A true copy of the rentals in the hands of Mr. William the abovementioned lands. (Signed) EDMUND BURT.

RENTAL OF THE SEAFORTH ESTATES 343

BALNAINE in the parishes of Dingwall, Fottertie, and Mackenzie of Portsay, and the other in the hands of Ardoch deceased, formerly part of the estate rental.

Customs.		Victual.	Price of Species.	Sterling Mony.
Muttons.	Hens.			
..	..	B. F. P. L. 18		
..	..	20		
..	6	10		
..	7	7 2 2		
..	6	7 2 2		
I	12	11 3		
I	12	14		
I	12	11 3		
I	12	11 3		
..	I	I 3		
..	..	11 3		
5	71		@ @ @	
		126		

The estate was in the possession of Col. Alexander Mackenzie, he that Mr. Kenneth Mackenzie of Portsay on the 25th day of February 1725/6 obtain'd a Decree of Mails and Dutys against the tenants hereof.

Deductions per annum.
To the minister, . . . room.
To the schoolmaster, . . . 20m.
The repair of the mill is commonly upwards of £10 sterling every third year, . . . 60.

The river and sea have carryed away as much arrable land and grazing as amounts in value to about 2 bolls, and the estate is lyable to further diminution by waters.

Lambs.	Hens.	Victual	Oats.	Rent Oats.	Crown Rent Scots Mony.
		B. F. P. L.	B. F. P. L.	B. F. P. L.	£ s. d.
..	24	6	3	8 2 2	12 13 4
..	6	I 2	3	2 0 2 2	3 3 4
..	9	2 I	I 2	2 0 0 3	4 15
..	9	2 I	I 2	3 0 3 2	4 15
..	12	3	I 2	4 I I	6 6 8
..	6	I 2	3	2 2 2	3 3 4
..	6	I 2	I 3	2 2 2	3 3 4
..	12	3	I 2	4 I I	6 6 4
..	8	I 3 2	3 3	2 2 3	3 19 2
..	4	I 2	2 I	I 2 2	2 7 6
..	6	I 2	3	2 0 2 2	3 3 4
..	9	2 I	I 2	3 0 3 3	4 15
..	9	2 I	I 2	3 0 3 3	4 15
2	24	..	..	20	..
..	..	..	..	2	..
2	144	30	16	62 I 2 3	£63 6 4

These three pay but one half, the river having carried away the rest.

These as above.

This is said to be diminished 3 bolls by damages done by the river which encroaches dayly.

It is believed a few years will carry away the remaining part of the Easter and Wester quarters. The farmer last harvest was forced to run for his life, and his corn was carried off by the waters together with the ground it grew on. Thus he seldom has the same ground to plough two years to an end.

Mackenzie, who is employed as factor to the possessors of

25 Platters in the Rental

at 50 cents per dozen

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4. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part I. 1559-1582. Edited by D. HAY FLEMING.

For the year 1888-1889.

5. DIARY OF THE REV. JOHN MILL, Minister in Shetland, 1740-1803. Edited by GILBERT GOUDIE.
6. NARRATIVE OF MR. JAMES NIMMO, A COVENANTER, 1654-1709. Edited by W. G. SCOTT-MONCRIEFF.
7. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part II. 1583-1600. Edited by D. HAY FLEMING.

For the year 1889-1890.

8. A LIST OF PERSONS CONCERNED IN THE REBELLION (1745). With a Preface by the EARL OF ROSEBERY.

Presented to the Society by the Earl of Rosebery.

9. GLAMIS PAPERS: The 'BOOK OF RECORD,' a Diary written by PATRICK, FIRST EARL OF STRATHMORE, and other documents (1684-89). Edited by A. H. MILLAR.
10. JOHN MAJOR'S HISTORY OF GREATER BRITAIN (1521). Translated and edited by ARCHIBALD CONSTABLE.

For the year 1890-1891.

11. THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, 1646-47. Edited by the Rev. Professor MITCHELL, D.D., and the Rev. JAMES CHRISTIE, D.D.
12. COURT-BOOK OF THE BARONY OF URIE, 1604-1747. Edited by the Rev. D. G. BARRON.

For the year 1891-1892.

13. MEMOIRS OF SIR JOHN CLERK OF PENICUIK, Baronet. Extracted by himself from his own Journals, 1676-1755. Edited by JOHN M. GRAY.
14. DIARY OF COL. THE HON. JOHN ERSKINE OF CARNOCK, 1683-1687. Edited by the Rev. WALTER MACLEOD.

For the year 1892-1893.

15. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY, First Volume—THE LIBRARY OF JAMES VI., 1573-83. Edited by G. F. WARNER.—DOCUMENTS ILLUSTRATING CATHOLIC POLICY, 1596-98. T. G. LAW.—LETTERS OF SIR THOMAS HOPE, 1627-46. Rev. R. PAUL.—CIVIL WAR PAPERS, 1643-50. H. F. MORLAND SIMPSON.—LAUDERDALE CORRESPONDENCE, 1660-77. Right Rev. JOHN DOWDEN, D.D.—TURNBULL'S DIARY, 1657-1704. Rev. R. PAUL.—MASTERTON PAPERS, 1660-1719. V. A. NOËL PATON.—ACCOMPT OF EXPENSES IN EDINBURGH, 1715. A. H. MILLAR.—REBELLION PAPERS, 1715 and 1745. H. PATON.
16. ACCOUNT BOOK OF SIR JOHN FOULIS OF RAVELSTON (1671-1707). Edited by the Rev. A. W. CORNELIUS HALLEN.

For the year 1893-1894.

17. LETTERS AND PAPERS ILLUSTRATING THE RELATIONS BETWEEN CHARLES II. AND SCOTLAND IN 1650. Edited by SAMUEL RAWSON GARDINER, D.C.L., etc.
18. SCOTLAND AND THE COMMONWEALTH. LETTERS AND PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, Aug. 1651-Dec. 1653. Edited by C. H. FIRTH, M.A.

For the year 1894-1895.

19. THE JACOBITE ATTEMPT OF 1719. LETTERS OF JAMES, SECOND DUKE OF ORMONDE. Edited by W. K. DICKSON.
- 20, 21. THE LYON IN MOURNING, OR A COLLECTION OF SPEECHES, LETTERS, JOURNALS, ETC., RELATIVE TO THE AFFAIRS OF PRINCE CHARLES EDWARD STUART, by BISHOP FORBES. 1746-1775. Edited by HENRY PATON. Vols. I. and II.

For the year 1895-1896.

22. THE LYON IN MOURNING. Vol. III.
23. ITINERARY OF PRINCE CHARLES EDWARD (Supplement to the Lyon in Mourning). Compiled by W. B. BLAIKIE.
24. EXTRACTS FROM THE PRESBYTERY RECORDS OF INVERNESS AND DINGWALL FROM 1638 TO 1688. Edited by WILLIAM MACKAY.
25. RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES (*continued*) for the years 1648 and 1649. Edited by the Rev. Professor MITCHELL, D.D., and Rev. JAMES CHRISTIE, D.D.

For the year 1896-1897.

26. WARISTON'S DIARY AND OTHER PAPERS—
 JOHNSTON OF WARISTON'S DIARY, 1639. Edited by G. M. Paul.—
 THE HONOURS OF SCOTLAND, 1651-52. C. R. A. Howden.—THE
 EARL OF MAR'S LEGACIES, 1722, 1726. Hon. S. Erskine.—LETTERS
 BY MRS. GRANT OF LAGGAN. J. R. N. Macphail.
Presented to the Society by Messrs. T. and A. Constable.
27. MEMORIALS OF JOHN MURRAY OF BROUGHTON, 1740-1747.
 Edited by R. FITZROY BELL.
28. THE COMPT BUIK OF DAVID WEDDERBURNE, MERCHANT OF
 DUNDEE, 1587-1630. Edited by A. H. MILLAR.

For the year 1897-1898.

- 29, 30. THE CORRESPONDENCE OF DE MONTEREUL AND THE BROTHERS
 DE BELLÈVRE, FRENCH AMBASSADORS IN ENGLAND AND SCOT-
 LAND, 1645-1648. Edited, with Translation, by J. G.
 FOTHERINGHAM. 2 vols.

For the year 1898-1899.

31. SCOTLAND AND THE PROTECTORATE. LETTERS AND PAPERS
 RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, FROM
 JANUARY 1654 TO JUNE 1659. Edited by C. H. FIRTH, M.A.
32. PAPERS ILLUSTRATING THE HISTORY OF THE SCOTS BRIGADE IN
 THE SERVICE OF THE UNITED NETHERLANDS, 1572-1782.
 Edited by JAMES FERGUSON. Vol. I. 1572-1697.
- 33, 34. MACFARLANE'S GENEALOGICAL COLLECTIONS CONCERNING
 FAMILIES IN SCOTLAND; Manuscripts in the Advocates' Library.
 2 vols. Edited by J. T. CLARK, Keeper of the Library.

Presented to the Society by the Trustees of the late Sir William Fraser, K.C.B.

For the year 1899-1900.

35. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782.
 Edited by JAMES FERGUSON. Vol. II. 1698-1782.
36. JOURNAL OF A FOREIGN TOUR IN 1665 AND 1666, ETC., BY SIR JOHN
 LAUDER, LORD FOUNTAINHALL. Edited by DONALD CRAWFORD.
37. PAPAL NEGOTIATIONS WITH MARY QUEEN OF SCOTS DURING HER
 REIGN IN SCOTLAND. Chiefly from the Vatican Archives.
 Edited by the Rev. J. HUNGERFORD POLLEN, S.J.

For the year 1900-1901.

38. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782.
 Edited by JAMES FERGUSON. Vol. III.
39. THE DIARY OF ANDREW HAY OF CRAIGNETHAN, 1659-60.
 Edited by A. G. REID, F.S.A.Scot.

For the year 1901-1902.

40. NEGOTIATIONS FOR THE UNION OF ENGLAND AND SCOTLAND IN
 1651-53. Edited by C. SANFORD TERRY.
41. THE LOYALL DISSUASIVE. Written in 1703 by Sir ÆNEAS
 MACPHERSON. Edited by the Rev. A. D. MURDOCH.

For the year 1902-1903.

42. THE CHARTULARY OF LINDORES, 1195-1479. Edited by the Right Rev. JOHN DOWDEN, D.D., Bishop of Edinburgh.
43. A LETTER FROM MARY QUEEN OF SCOTS TO THE DUKE OF GUISE, Jan. 1562. Reproduced in Facsimile. Edited by the Rev. J. HUNGERFORD POLLEN, S.J.

Presented to the Society by the family of the late Mr. Scott, of Halkshill.

44. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY, Second Volume—THE SCOTTISH KING'S HOUSEHOLD, 14th Century. Edited by Mary BATESOIL.—THE SCOTTISH NATION IN THE UNIVERSITY OF ORLEANS, 1336-1538. John Kirkpatrick, LL.D.—THE FRENCH GARRISON AT DUNBAR, 1563. Robert S. Rait.—DE ANTIQVITATE RELIGIONIS APUD SCOTOS, 1594. Henry D. G. Law.—APOLOGY FOR WILLIAM MAITLAND OF LETHINGTON, 1610. Andrew Ladg.—LETTERS OF BISHOP GEORGE GRÆME, 1602-38. L. G. Græme.—A SCOTTISH JOURNIE, 1641. C. H. Firth.—NARRATIVES ILLUSTRATING THE DUKE OF HAMILTON'S EXPEDITION TO ENGLAND, 1648. C. H. Firth.—BURNET-LEIGHTON PAPERS, 1648-168-. H. C. Foxcroft.—PAPERS OF ROBERT ERSKINE, Physician to Peter the Great, 1677-1720. Rev. Robert Paul.—WILL OF THE DUCHESS OF ALBANY, 1789. A. Francis Steuart.
45. LETTERS OF JOHN COCKBURN OF ORMISTOUN TO HIS GARDENER, 1727-1743. Edited by JAMES COLVILLE, D.Sc.

For the year 1903-1904.

46. MINUTE BOOK OF THE MANAGERS OF THE NEW MILLS CLOTH MANUFACTORY, 1681-1690. Edited by W. R. SCOTT.
47. CHRONICLES OF THE FRASERS; being the Wardlaw Manuscript entitled 'Polichronicon seu Policratica Temporum, or, the true Genealogy of the Frasers.' By Master JAMES FRASER. Edited by WILLIAM MACKAY.
48. PROCEEDINGS OF THE JUSTICIARY COURT FROM 1661 TO 1678. Vol. I. 1661-1669. Edited by Sheriff SCOTT-MONCRIEFF.

For the year 1904-1905.

49. PROCEEDINGS OF THE JUSTICIARY COURT FROM 1661 TO 1678. Vol. II. 1669-1678. Edited by Sheriff SCOTT-MONCRIEFF.
50. RECORDS OF THE BARON COURT OF STITCHILL, 1655-1807. Edited by CLEMENT B. GUNN, M.D., Peebles.
51. MACFARLANE'S GEOGRAPHICAL COLLECTIONS. Vol. I. Edited by Sir ARTHUR MITCHELL, K.C.B.

For the year 1905-1906.

- 52, 53. MACFARLANE'S GEOGRAPHICAL COLLECTIONS. Vols. II. and III. Edited by Sir ARTHUR MITCHELL, K.C.B.
54. STATUTA ECCLESIE SCOTICANÆ, 1225-1559. Translated and edited by DAVID PATRICK, LL.D.

For the year 1906-1907.

55. THE HOUSE BOOKE OF ACCOMPS, OCHTERTYRE, 1737-39. Edited by JAMES COLVILLE, D.Sc. (Oct. 1907.)
56. THE CHARTERS OF THE ABBEY OF INCHAFFRAY. Edited by W. A. LINDSAY, K.C., the Right Rev. Bishop DOWDEN, D.D., and J. MAITLAND THOMSON, LL.D. (Feb. 1908.)
57. A SELECTION OF THE FOFHEITED ESTATES PAPERS PRESERVED IN H.M. GENERAL REGISTER HOUSE AND ELSEWHERE. Edited by A. H. MILLAR, LL.D. (Oct. 1909.)

For the year 1907-1908.

58. RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES (*continued*), for the years 1650-52. Edited by the Rev. JAMES CHRISTIE, D.D. (Feb. 1909.)
59. PAPERS RELATING TO THE SCOTS IN POLAND. Edited by A. FRANCIS STEUART. (Nov. 1915.)

For the year 1908-1909.

60. SIR THOMAS CRAIG'S DE UNIONE REGNORUM BRITANNIÆ TRACTATUS. Edited, with an English Translation, by C. SANFORD TERRY. (Nov. 1909.)
61. JOHNSTON OF WARISTON'S MEMENTO QUAMDIU VIVAS, AND DIARY FROM 1632 to 1639. Edited by G. M. PAUL, LL.D., D.K.S. (May 1911.)

SECOND SERIES.

For the year 1909-1910.

1. THE HOUSEHOLD BOOK OF LADY GRISELL BAILLIE, 1692-1733. Edited by R. SCOTT-MONCRIEFF, W.S. (Oct. 1911.)
2. ORIGINS OF THE '45 AND OTHER NARRATIVES. Edited by W. B. BLAIKIE, LL.D. (March 1916.)
3. CORRESPONDENCE OF JAMES, FOURTH EARL OF FINDLATER AND FIRST EARL OF SEAFIELD. LORD CHANCELLOR OF SCOTLAND. Edited by JAMES GRANT, M.A., LL.B. (March 1912.)

For the year 1910-1911.

4. RENTALE SANCTI ANDREE; BEING CHAMBERLAIN AND GRANITAR ACCOUNTS OF THE ARCHBISHOPRIC IN THE TIME OF CARDINAL BETOUN, 1538-1546. Translated and edited by ROBERT KERR HANNAY. (February 1913.)
5. HIGHLAND PAPERS. Vol. I. Edited by J. R. N. MACPHAIL, K.C. (May 1914.)

For the year 1911-1912.

6. SELECTIONS FROM THE RECORDS OF THE REGALITY OF MELROSE. Vol. I. Edited by C. S. ROMANES, C.A. (November 1914.)
7. RECORDS OF THE EARLDOM OF ORKNEY. Edited by J. S. CLOUSTON. (December 1914.)

For the year 1912-1913.

8. SELECTIONS FROM THE RECORDS OF THE REGALITY OF MELROSE. Vol. II. Edited by C. S. ROMANES, C.A. (January 1915).
 9. SELECTIONS FROM THE LETTER BOOKS OF JOHN STEUART, BAILIE OF INVERNESS. Edited by WILLIAM MACKAY, LL.D. (April 1915.)

For the year 1913-1914.

10. RENTALE DUNKELDENSE; BEING THE ACCOUNTS OF THE CHAMBERLAIN OF THE BISHOPRIC OF DUNKELD, A.D. 1506-1517. Edited by R. K. HANNAY. (March 1915.)
 11. LETTERS OF THE EARL OF SEAFIELD AND OTHERS, ILLUSTRATIVE OF THE HISTORY OF SCOTLAND DURING THE REIGN OF QUEEN ANNE. Edited by Professor HUME BROWN. (Nov. 1915.)

For the year 1914-1915.

12. HIGHLAND PAPERS. Vol. II. Edited by J. R. N. MACPHAIL, K.C. (March 1916.)
 (Note.—ORIGINS OF THE '45, issued for 1909-1910, is issued also for 1914-1915.)

For the year 1915-1916.

13. SELECTIONS FROM THE RECORDS OF THE REGALITY OF MELROSE. Vol. III. Edited by C. S. ROMANES, C.A.
 14. JOHNSTON OF WARISTON'S DIARY. Vol. II. Edited by D. HAY FLEMING, LL.D.

In preparation.

- BIBLIOGRAPHY OF TOPOGRAPHICAL WORKS RELATING TO SCOTLAND. Compiled by the late Sir ARTHUR MITCHELL, and edited by C. G. CASH.
 RECORDS RELATING TO THE SCOTTISH ARMIES FROM 1638 TO 1650. Edited by Professor C. SANFORD TERRY.
 SEAFIELD CORRESPONDENCE. Vol. II. Edited by Major JAMES GRANT.
 REGISTER OF THE CONSULTATIONS OF THE MINISTERS OF EDINBURGH, AND SOME OTHER BRETHERN OF THE MINISTRY, SINCE THE INTERRUPTION OF THE ASSEMBLY 1653, WITH OTHER PAPERS OF PUBLIC CONCERNMENT. Edited by the Rev. W. STEPHEN, B.D.
 MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Third Volume.
 CHARTERS AND DOCUMENTS RELATING TO THE GREY FRIARS AND THE CISTERCIAN NUNNERY OF HADDINGTON.—REGISTER OF INCHCOLM MONASTERY. Edited by J. G. WALLACE-JAMES, M.B.
 ANALYTICAL CATALOGUE OF THE WODROW COLLECTION OF MANUSCRIPTS IN THE ADVOCATES' LIBRARY. Edited by J. T. CLARK.
 A TRANSLATION OF THE HISTORIA ABBATUM DE KYNLOS OF FERRERIUS.
 PAPERS RELATING TO THE REBELLIONS OF 1715 AND 1745, with other documents from the Municipal Archives of the City of Perth.
 THE BALCARRES PAPERS.

REPORT OF THE TWENTY-NINTH
ANNUAL MEETING OF THE
SCOTTISH HISTORY SOCIETY

THE TWENTY-NINTH ANNUAL MEETING was held in Dowell's Rooms, Edinburgh, on 11th December 1915,—Mr. Donald Crawford, K.C., presiding.

The SECRETARY read the Report of the Council as follows:—

During the past year fifteen members have died, and nine have resigned. There are about eighteen vacancies.

Since last General Meeting five volumes have been issued, viz., *The Scots in Poland*; *Selections from the Records of the Regality of Melrose*, vol. ii.; *The Letter Book of Bailie John Stewart of Inverness*; *Rentale Dunkeldense*; and *Letters of the Earl of Seafield and Others*. The first named is the long-delayed second issue for 1907-1908; the other four are the issues for years 1912-1913 and 1913-1914, the last named being substituted for vol. ii. of *Wariston's Diary*, delayed by the editor's numerous and pressing engagements. It thus appears that the publications still overdue are *Origins of the '45*, now happily all in type except the index, which is in preparation; and the volumes to be issued for year 1914-1915. But the Treasurer's statement shows that the bringing of the Society's publications so nearly up to date has made it necessary to study retrenchment.

The Council have to point out that the volumes issued in recent years are as a rule very much larger than was contem-

plated by the founders of the Society. The Rules specify the annual output to be aimed at as two volumes of 320 pages each, 640 pages in all. Each of the two volumes already issued for 1909-1910 exceeds 500 pages, and there is a third of similar size still due; for 1910-1911 the two issues aggregate 682 pages; for 1911-1912, 1034 pages; for 1912-1913, 1012 pages; and for 1913-1914, 696 pages. It is recommended that matters should be equalised as follows: one volume for 1914-1915 should be *Highland Papers*, vol. ii.; and, instead of a new second issue for that year, *Origins of the '45*, still due to subscribers for 1909-1910, should be issued also to subscribers for 1914-1915 who were not subscribers for 1909-1910. By this arrangement subscribers for 1909-1910 only will receive over 1500 pages; those for 1914-1915 only will receive certainly over 800 pages; and subscribers for both years will receive for their two years' subscription over 1800 pages in place of the 1280 pages contemplated by the framers of the Rules of the Society.

The Council put this arrangement before the members of the Society as in their view a perfectly fair one, and one which will secure our financial position.

For the current year, 1915-1916, it is proposed (should the Society's circumstances permit) to issue (1) the third and last volume of *Selections from the Records of the Regality of Melrose*; and (2) *Wariston's Diary*, vol. ii. Both these are already partly printed.

The *Bibliography of Topographical Works relating to Scotland*, compiled by Sir Arthur Mitchell and completed by Mr. C. G. Cash, is ready for press, and a small portion of it printed. Of other works already on the Society's list of projects, those likely to be taken up in the near future are the *Register of the Consultations of the Ministers of Edinburgh*, now to be edited by the Rev. W. Stephen; a second volume of Major James Grant's *Seafield Correspondence*; and Professor Terry's volume

of Records relating to the Scottish Armies from 1638 to 1659.

In response to desires expressed by members at recent annual meetings, inquiries have been made of the custodians of the records of several Scottish burghs; and the Secretary has ascertained that the Town Council of Edinburgh would be willing to afford every facility for preparing and publishing a continuation of the extracts from their records already printed down to 1589.

The suspension of the Scottish Rolls series leaves the Scottish History Society the strongest and most suitable organisation in existence for printing historical matter relating to Scotland, and it is possible that by permission of the authorities we may be privileged to enrich our series by publishing important MS. records preserved in the Register House.

The region open for the Society's operations therefore is larger and more fruitful than ever. But we must not exceed our resources; and experience has shown that economy must be exercised not only in the size of our volumes (a matter already dwelt upon), but also in the expenditure on individual volumes; *e.g.* transcribing expenses must be confined within much narrower limits than hitherto.

Mr. Alexander Mill, of the Signet Library, has prepared a general index to the sixty-one volumes of our first series, which is ready for press. For the publication of this the Council propose to invite subscriptions at a rate to be afterwards fixed, so soon as economic conditions permit of their doing so with reasonable prospects of success.

The Members of Council retiring by rotation are Dr. Hay Fleming, Professor Rankine, and Lord Guthrie. It is recommended that Dr. Hay Fleming and Lord Guthrie be re-elected, and that the remaining vacancy be filled by the election of Mr. James MacLehose, LL.D.

The accounts of the Hon. Treasurer, of which an abstract is appended, show that the balance in the Society's favour on 12th November 1914 was £716, 1s. 2d., the income for 1914-1915 £504, 9s. 5d., the expenditure £847, 15s. 8d.,¹ and the credit balance on 13th November 1915 £372, 14s. 11d.

The CHAIRMAN, in moving the adoption of the Report, said that in some respects it was more pleasing than any presented for a good many years. The Society's publications had fallen into arrears, and a diminution of the membership had followed; now those arrears had been almost made up. When they had been completely wiped out, and those excellent volumes for which members had been kept waiting were put into their hands (as most of them had already been), it might confidently be anticipated that applications for membership would speedily and steadily increase. Five volumes had been published since last Annual Meeting, and there was not one of them which did not shed some ray of light on some corner of the history of Scotland in the sixteenth, seventeenth, or eighteenth centuries, so as to assist the imagination of the student to realize the social life of those periods in a way that it would be quite impossible for any general history, however able, to do. The chairman went on to point out the special value and interest of each of the five volumes, and to indicate the importance of the work which still lay before the Society.

Mr. KENNETH SANDERSON, W.S., seconded the adoption of the Report.

Mr. JAMES LEARMONT complained that Members had had no opportunity of seeing the Report before the Meeting, and referred to the practice of other Societies, whose Reports were circulated along with the notice of Meeting. Other Members having expressed their concurrence with Mr. Learmont's view, the Secretary undertook that in future years the Report should if possible be in Members' hands before the Meeting as desired.

Dr. J. A. TRAIL, in moving a vote of thanks to the Chairman for presiding, stated that he had discovered an interesting MS. history of Orkney by the Rev. George Low, minister of Birsay and Harray. Mr. Low was a wonderful man in his day, almost a

¹ This sum includes payments made during the past year on account of thirteen books, seven of which have not yet been issued.

contemporary of the Rev. Gilbert White of Selborne, and like him a careful investigator and observer. This MS. Dr. Trail intended to place in the Library of the University of Edinburgh, and in the meantime he proposed to place it at the disposal of the Society for publication, if judged suitable.

The vote of thanks having been seconded by Mr. WILLIAM COWAN, and adopted, the proceedings terminated.

ABSTRACT OF THE HON. TREASURER'S ACCOUNTS

For the Year ending 13th November 1915

I. CHARGE.

I. Balance from previous year—			
(1) In Bank on Deposit Receipt,	£700	0	0
(2) In Bank on Current Account,	16	1	2
	£716	1	2
II. Subscriptions, viz.—			
(1) 386 subscriptions for 1914-15,	£405	6	0
1 in arrear for 1911-12,	1	1	0
3 „ „ 1912-13,	3	3	0
18 „ „ 1913-14,	18	18	0
7 in advance for 1915-16,	7	7	0
	£435	15	0
Less 52 in arrear and 5 in advance for 1914-15,	59	17	0
	375	18	0
(2) 95 Libraries,	£99	15	0
3 in arrear for 1913-14, and			
1 in advance for 1915-16,	4	4	0
	£103	19	0
Less 7 in arrear and 2 in advance for 1914-15,	9	9	0
	94	10	0
III. Copies of previous issues sold to New Members,	14	14	0
IV. Interest on Deposit Receipts,	19	7	5
Sum of Charge,	£1220	10	7

II. DISCHARGE.

I. *Incidental Expenses*—

(1) Printing Cards, Circulars, and Reports,	£15	19	2	
(2) Stationery and Receipt and Cheque Books,	3	17	6	
(3) Making-up and delivering Publications,	58	19	6	
(4) Postages of Secretaries and Treasurer,	4	15	8	
(5) Clerical Work and Charges on Cheques,	2	8	3	
(6) Hire of Room for Annual Meeting,	1	6	0	
				£87 6 1

II. *Melrose Regality Books, Vol. I.*—

Composition, Printing, and Paper, 550 copies,	£84	4	0	
Proofs and Corrections,	31	18	0	
Binding Stamps,	1	1	0	
Binding 550 copies, at 8d. per copy,	18	6	8	
				£135 9 8
Less paid to account—				
Oct. 1913,	£62	13	6	
Oct. 1914,	53	8	6	
				116 2 0
				19 7 8

III. *Orkney and Shetland Writs, 1299-1614*—

Composition, Printing, and Paper, 550 copies,	£153	15	6	
Proofs and Corrections,	58	14	6	
Engraving Outline Map of Orkney,	5	5	0	
Carry forward,	£217	15	0	£106 13 9

Brought forward,	£217 15 0	£106 13 9
Lithographing 3 Charters on parchment,	21 10 0	
Indexing, and revising Papers,	8 0 0	
Binding Stamps,	1 2 6	
Binding 550 copies, at 8d. per copy,	18 6 8	
	<u>£266 14 2</u>	
Less paid to account—		
Oct. 1913,	£33 17 0	
Oct. 1914,	196 6 0	
	<u>230 3 0</u>	
		36 11 2
IV <i>Melrose Regality Books, Vol. II.—</i>		
Composition, Printing, and Paper, 550 copies,	£87 11 0	
Proofs and Corrections,	17 18 6	
Binding Stamps,	0 8 6	
Binding 550 copies, at 8d. per copy,	18 6 8	
	<u>£124 4 8</u>	
Less paid to account—		
Oct. 1914,	68 16 0	
	<u>55 8 8</u>	
V. <i>Rentale Dunkeldense—</i>		
Composition, Printing, and Paper, 535 copies,	£102 8 6	
Proofs and Corrections,	31 18 6	
Collotype,	7 2 6	
Indexing,	12 12 0	
Binding Stamps,	0 16 0	
Binding 535 copies, at 8d. per copy,	17 16 8	
	<u>£172 14 2</u>	
Less paid to account—		
Oct. 1914,	50 12 0	
	<u>122 2 2</u>	
Carry forward,		£320 15 9

Brought forward, £320 15 9

VI. *Selections from the Letter Book of Bailie John Stuart.*

Composition, Printing, and			
Paper, 550 copies,	£114	7	6
Proofs and Corrections,	22	13	6
Colotypes,	8	15	0
Indexing,	7	4	0
Binding Stamps,	0	16	0
Binding 550 copies, at 8d. per copy,	18	6	8
	<u>£172</u>	<u>2</u>	<u>8</u>

Less paid to account—

Oct. 1913,	£27	12	0
Oct. 1914,	78	2	0
	<u>105</u>	<u>14</u>	<u>0</u>

66 8 8

VII. *Papers relating to the Scots in Poland.*

Expense to date,—

Composition, and matter			
deleted,	£123	14	0
Corrections,	71	14	0
Engraving Map (twice done),	10	15	0
Illustrations,	0	2	0
Transcripts,	0	18	9
Translations and Index,	60	0	0
	<u>£267</u>	<u>3</u>	<u>9</u>

Less paid to account—

Oct. 1908,	£77	17	0
Oct. 1909,	12	5	0
Oct. 1910,	7	2	0
Oct. 1911,	7	16	0
Oct. 1913,	19	17	0
Oct. 1914,	47	9	0
	<u>172</u>	<u>6</u>	<u>0</u>

94 17 9

Carry forward, £482 2 2

	Brought forward,	£482	2	2
VIII. <i>Johnston of Wariston's Diary, Vol. II.</i>				
	Expense to date,—			
	Composition,	£25	6	6
	Less paid to account—			
	Oct. 1913,	20	5	0
		<hr/>		
			5	1 6
IX. <i>Melrose Regality Books, Vol. III.</i>				
	Expense to date,—			
	Composition,	£65	18	6
	Corrections,	20	4	6
	Transcriptions,	39	7	0
		<hr/>		
		£125	10	0
	Less paid to account—			
	Oct. 1914,	4	5	6
		<hr/>		
			121	4 6
X. <i>Highland Papers, Vol. II.</i> Expense to date,—				
	Composition,	£49	14	6
	Corrections,	26	18	0
	Collotype, 3 Manuscripts,	11	7	6
	Transcripts,—(£1 2s., £13 5s.,			
	£5 2s. 6d.),	22	9	6
		<hr/>		
		£110	9	6
	Less paid to account—			
	Oct. 1911,	40	1	6
		<hr/>		
			70	8 0
XI. <i>Seafield Letters.</i> Expense to date,—				
	Composition, Printing and			
	Paper,	£47	19	6
	Corrections,	18	14	0
		<hr/>		
			66	13 6
XII. <i>Topographical Works relating to Scotland.</i>				
	Expense to date,—			
	Composition,	33	12	0
		<hr/>		
	Carry forward	£779	1	8

	Brought forward	£779	1	8
XIII. <i>Seafield Correspondence, Vol. II.—</i>				
	Transcripts,	40	0	0
XIV. <i>Scottish Armies, 1638-1650—</i>				
	Transcripts,	28	14	0
		<hr/>		
		£847	15	8
XV. <i>Balance to next account—</i>				
	In Bank on Current Account,	372	14	11
		<hr/>		
	Sum of Discharge,	£1220	10	7
		<hr/>		

EDINBURGH, 3rd December 1915.—Having examined the Accounts of the Hon. Treasurer of the Scottish History Society for the year ending 13th November 1915, of which the foregoing is an Abstract, we find the same to be correctly stated and sufficiently vouched, closing with a balance at the credit of the Society's Account Current with the Bank of Scotland of £372, 14s. 11d.

RALPH RICHARDSON, *Auditor.*

WM. TRAQUAIR DICKSON, *Auditor.*





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